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सं० 15] नई विल्ही, शनिवार, प्रब्रेल 10, 1971/चैत्र 20, 1893

No. 15] NEW DELHI, SATURDAY, APRIL 10, 1971/CHAITRA 20, 1893

इस भाग में भिन्न पृष्ठ संख्या वी आती है जिससे कि यह अन्तर्ग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक अवैध और प्रधिकृत नियम।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HEALTH, FAMILY PLANNING, WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Health)

New Delhi, the 25th March 1971

S.O. 1492.—In the matter of Charitable Endowment Act 1890 and in the matter of "The Lady Hardinge Hospital for Women and Children, Delhi, Fund".

On the application of, and with the concurrence of the Board of Administration for the Lady Hardinge Hospital for Women and Children, Delhi, Fund and in exercise of the powers conferred on me by section 4 of the Charitable Endowments Act, 1890 (6 of 1890) the Central Government do hereby order that the sum of Rs. 88,100 invested in securities of 4½ per cent Loan 1973 on behalf of the golden Jubilee fund in the form of Stock Certificate No. DH 51, shall vest in the Treasurer of Charitable Endowments for India.

[No. 4-7/70-ME(UG).]

P. MUKHOPADHYAY, Under Secy.

(1795)

स्वास्थ्य, उरिवार नियोग, निर्माण, आवास एवं नगर विकास मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 25 मार्च, 1971

एस० ओ० 1492.—धर्मार्थ अक्षम निधि अधिनियम, 1890 और महिलाओं और शिशुओं के लेडी हार्डिंग अस्पताल, दिल्ली निधि के सम्बन्ध में।

“लेडी हार्डिंग महिला एवं बाल अस्पताल दिल्ली निधि” के आवेदन पर तथा उसके प्रशासन मण्डल की सहमति से और धर्मार्थ अक्षयनिधि अधिनियम 1890 (1890 का 6) की धारा 4 द्वारा उसे प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा आदेश देती है कि स्टाक सर्टिफिकेट संख्या डी० ५१ के रूप में गोल्डन जुबली निधि की ओर से $4\frac{1}{2}$ प्रतिशत छूट 1973 की प्रतिभूतियों में जो 88,100 ₹ का धन भारत के धर्मार्थ अक्षयनिधि में लगा हुआ है उसके अधिकार कोषाध्यक्ष में निहित होंगे।

[संख्या 4-7/70 एम० ई० (य० जी०)]

प्रताप मुखोपाध्याय, अमर सचिव।

MINISTRY OF INFORMATION AND BROADCASTING

CORRIGENDUM

New Delhi, the 23rd March 1971

S.O. 1493.—In the Notification of the Government of India, Ministry of Information and Broadcasting No. S.O. 701, dated 8th January, 1971, published at page 769 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 13th February, 1971, in line 4 from bottom for “Smt. Surjit K. Chakrabarti” read Prof. Sujit K. Chakrabarti.

[No. F. 11/4/71-F(C).]

VIRENDRA D. VYAS,
Director.

सूचना और प्रसारण मंत्रालय

शुद्धि पत्र

नई दिल्ली, 23 मार्च, 1971]

एस० ओ० 1493.—भारत सरकार के सूचना और प्रसारण मंत्रालय की अधिसूचना संख्या एस० ओ० 701 तारीख 8 जनवरी, 1971 में, जो भारत के राजनव ने भाग 2, खण्ड 3 के उत्तरांड 2, ग्रामीण 13 फरवरी, 1971 के पृष्ठ 769 पर प्रकाशित हुई है, नीचे से चौथी पंक्ति में “श्रीमती सुरजीत ई० चक्रवर्ती” के स्थान पर “प्रो० सुजीत के० चक्रवर्ती” पढ़ा जाए।

[संख्या 11/4-71-एफ(सी)]

वीरेन्द्र देव व्यास,
निदेशक।

MINISTRY OF INDUSTRIAL DEVELOPMENT & INTERNAL TRADE
(Department of Industrial Development).
(Indian Standards Institution)

New Delhi, the 24th March 1971

S.O. 1494.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the licence No. CM/L-1953, particulars of which are given below, has been cancelled with effect from 16-3-1971 as the party has stopped manufacture of the product.

Licence No. and Date	Name of the licensee	Article/Process covered by the licence cancelled	Relevant Indian Standard
CM/L-1953	Excel Industries Limited, Excel Gamma BHC Lindane Estate, S.V. Road, Goregaon Smoke Generators Bombay-62 having their office at 184-87 S. V. Road, Jorashwari, Bombay-60 N.B.	IS:1505-1968	

[No. CMD/55 : 1953]

ओद्योगिक वित्तसंसारेर प्रांतरिक व्यवापार मंत्रालय

(ओद्योगिक वित्तसंसार क्षेत्र)

(भारतीय मानक संस्था)

नई दिल्ली, 24 मार्च, 1971

एस.ओ. 1494.—समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955, के विनियम 14 उत्तरियम (4) के अनुसार भारतीय मानक संस्था द्वारा ग्रथि सूचित किया आता है कि लाइसेंस सं० सो एम/एल-1953 जिसका ब्यौरा नीचे दिया गया है, 16-3-1971 से रद्द कर दिया गया है क्योंकि लाइसेंसधारी ने उस वस्तु का उत्पादन बंद कर दिया है।

लाइसेंस संख्या और लाइसेंसधारी का नाम और पता रद्द किए गए लाइसेंस तत्सम्बन्धी
दिनांक [के अवोनवस्तु/प्रक्रिया भारतीय मानक]

सो एम/एल 1953 एक्सेल इंडस्ट्रीज लि० एक्सेल गामा वी एच सी लिडेन IS: 1505-1968
एस्टेट, एस बी रोड, गोरेगांव, धूमकारक
बम्बई-62 इनका कार्यालय
184-97 एस बी रोड, जोगेश्वरी
बम्बई-60 में है।

[संख्या सो०एम०डी०/55:1953]

S.O. 1495.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the licence No. CM/L-2011 particulars of which are given below

has been cancelled with effect from 15-2-1971, as the party was not able to maintain the quality as per Indian Standard Specification.

Licence No. and Date	Name & Address of the licensee	Article/Process covered by the licence cancelled	Relevant Indian Standard
CM/L-2011 8-7-1969	M/s. Neyveli Lignite Corpora- tion Ltd., Neyveli-I (South Arcot District)	Processed solid smokeless domestic fuel	IS:4286-1967

[No. CMD/55:2011]

एस० ओ० 1495.—समय समय पर संशोधित भारतीय मानक संरचा (प्रमाणन क्षेत्र) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संरचा प्राप्त अधिसूचित किया जाता है कि लाइसेंस सं० सी एम/एल 2011 जिसके प्रयोगे नीचे दिए जा रहे हैं 15-2-71 से रद्द कर दिया गया है क्योंकि लाइसेंसधारी भारतीय मानक विशिष्ट में निर्धारित किरम (बालिटी) का माल तैयार करते रहने में असमर्थ था।

लाइसेंस सं० और दिनांक	लाइसेंसधारी का नाम और पता	रट बिल्ड गए लाइसेंस के अधीन वर्गीकृति	तत्समवाधी भारतीय मानक
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सी एम/एल 2011 मेसर्स नेवली लिग्नाइट कार्पोरेशन ठोस उष्चार्हित ध्रुवी न IS:4286-1967
8-7-1969 लिं० नेवली-१ (दक्षिण आर्कट घरेलू ईंधन
जिला)

[संख्या सी० एम० ओ०/55:2011]

New Delhi, the 25th March 1971

S.O. 1496.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation 1955, as amended from time to time, the Indian Standards Institution hereby notifies that licence No. CM/L-2310, particulars of which are given below, has been cancelled with effect from Sixteenth March, Nineteen Hundred Seventyone since the firm is no longer interested in operating this licence.

Sl. No.	Licen. No. No. and Date	Name and Address of the licensee	Article/Process covered by the licence	Relevant Indian Standard
1	CM/L-2303 1-4-1970	M/s. Fort Glester Industries Ltd., (New Mill), P.O. Fort Glester, Rly Stn., Barua, Distt. Howrah.	New Jute Wool Pack	IS:4816-1968 Specification for New Jute Wool Pack

[No. CMD/55:2303]

A. K. GUPTA,
Dy. Director General

नई दिल्ली, 25 मार्च, 1971

एस० आ० 1496.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955, के विनियम 14 के उभविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिकृत किया जाता है कि लाइसेंस सं० सी एम/एल-2303 जिसके ब्योरे नीचे दिए हैं 16 मार्च, 1971 से रद्द हो गया है क्योंकि कर्म अब यह लाइसेंस चलाना नहीं चाहती है।

क्रम लाइसेंस सं० और लाइसेंसधारी का नाम और पता रद्द किए गए लाइसेंस	तत्सम्बन्धी संघ्या दिनांक
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के अधीन वस्तु/प्रक्रिया	भारतीय मानक
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1 सी एम/एल-3203 मैसर्स फोर्ट ग्लोस्टर इंडस्ट्रीज लि०	ऊन भरते की पटसन की IS: 4856-1968
1-4-1970 (नई मिल) पो० आ० फोर्ट	ऊन भरते की
ग्लोस्टर, रेलवे स्टेशन बोरिया,	पटसन की नई
जिला हावड़ा ।	बोरियों की विशिष्टि ।

[संख्या सी० एम० डी०/55:2303]

ए० के० गुप्ता,
उपमहानिदेशक ।

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 17th August, 1970

S. O. 1497.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its notification No. 20 (F.No. 55/1/62-IT), dated the 30th April, 1963 published as S. O. 1293, on pages 1454-1457 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 11th May, 1963 as amended from time to time.

Existing entries under columns (1), (2) and (3) against S. No. 15A shall be substituted by the following entries:

Income-tax Commissioner	Headquarters	Jurisdiction			
			1	2	3
15A Kanpur	Kanpur				
			1. Circle—I, Kanpur		
			2. Circle—II, Kanpur		
			3. Salary Circle, Kanpur		
			4. Companies Circle, Kanpur		
			5. Special Circle, Kanpur		
			6. Estate Duty-cum-Income-tax Circle, Kanpur		
			7. Banda		
			8. Unnao		
			9. Oral		
			10. Jhansi		
			11. Fatehgarh		
			12. Etawah		
			13. Mainpuri		

1

2

3

14. Firozabad
15. Circle—I, Agra
16. Circle—II, Agra
17. Etah
18. Mathura
19. Aligarh
20. Hathras
21. Meerut
22. Hapur at Meerut
23. Salary Circle, Meerut
24. Ghaziabad
25. Muzaffarnagar
26. Roorkee
27. Saharanpur
28. Dehradun
29. Estate Duty-cum-I.T. Circle,
Dehradun
30. Special Ward, Agra

This notification shall come into force with immediate effect.

[No. 135-(F. No. 187/14/70-IT(AI).]

S. N. SHENDE, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

(शायकर)

मई दिल्ली, 17 अगस्त, 1970

एस० नं० 1497.—शायकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उप-
धारा (1) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड सभ्य समय पर यथा
संशोधित अपनी अधिसूचना सं० 20 (एफ० सं० 55/1/62-आई० टी०) तारीख 30 मार्च, 1963
से संलग्न अनुसूची में, जो भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड, (11) तारीख 11 मई, 1963,
के पट्ट 1454-1457 पर का० आ० 1293 के रूप में प्रकाशित हुई थी, निम्नलिखित संशोधन करती
है।

कम स० 15क के सामने रखा (1), (2) और (3) के अन्तर्गत विद्यमान प्रविष्टियां निम्न-
लिखित प्रविष्टियों द्वारा प्रतिस्थापित की जाएंगी :—

प्राप्ति	मुख्यालय	अधिकारिता
1	2	3
15क कानपुर	कानपुर	<ol style="list-style-type: none"> 1. सर्किल-1, कानपुर 2. सर्किल-II, कानपुर 3. वैतन सर्किल, कानपुर 4. कम्पनी सर्किल, कानपुर 5. विशेष सर्किल, कानपुर

1

2

3

6. सम्पदा शुल्क-एवं-आयकर कार्यालय,
कानपुर
7. बांदा
8. उन्नाव
9. ओराई
10. सासी
11. फतेहगढ़
12. इटावा
13. मैनपुरी
14. फिरोजाबाद
15. सकिल—[, आगरा]
16. सकिल—, आगरा
17. एटा
18. मथुरा
19. अलीगढ़
20. हाथरस
21. मेरठ
22. हापुड़ मेरठ में
23. बेतन सकिल, मेरठ
24. गाजियाबाद
25. मुजफ्फरनगर
26. रुड़की]
27. सहारनपुर
28. देहरादून
29. सम्पदा-शुल्क-एवं-आयकर सकिल,
देहरादून
30. विणेष नाड़, आगरा

यह प्रधिसूचना तुरन्त प्रवृत्त होगी।

[संख्या 135-एफ० सं० 187/14/70-आई० टी० (ए-1)]

एस० एन० शोडे,]

अवर सचिव]

INCOME-TAX

New Delhi, the 11th January 1971

S.O. 1498.—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), of the Central Board of Direct Taxes, hereby makes the following amendment to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT) dated the 18th May 1964, as amended from time to time.

For the existing entries appearing against Serial No. 30 in the said Schedule, the following shall be substituted.

1	2	3	4	5	6
30	Employees of the Arcot Mission of the Reformed Church in America, Vellore North Arcot District stationed any where in the taxable territories.	1st ITO, Salaries Inspecting Asstt. Commissioner of Income-tax who has been appointed to perform the functions of Inspecting Asstt. Commissioner of Income-tax in respect of Income-tax Officer referred to in Column 3.	Commissioner of Income-tax who has been invested with powers to hear appeals against the decisions of the Income-tax Officer referred to in column 3.	Appellate Assistant Commissioner of Income-tax who has been invested with powers to hear appeals against the decisions of the Income-tax Officer referred to in column 3.	C.I.T. Madras II

[No. I-F No. 187/1/71-IT (AI)].

(आयकर)

नई दिल्ली, 11 जनवरी, 1971

एस० श्रो० 1498.—आयकर अधिनयम, 1961 (1961 का 43) की धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा इसकी समय समय पर यथा-संशोधित अधिसूचना सं० 1 (फा० सं० 55/233/63-आई० टी०) तारीख 18 मई, 1964 से उपायद्वारा अनुसूची में निम्नलिखित संशोधन करता है।

उक्त अनुसूची में कप सं० 30 के सामने वाली विद्यमान प्रविष्टियों के स्थान पर, निम्नलिखित प्रसिद्धापित किया जाएगा।

1	2	3	4	5	6
30	आर्काट मिशन आफ दि रिक्टर्मेंड चर्च इन अमेरिका बैलोर, उत्तर आर्काट जिला, के कर्मचारी जो कराधीय राज्यक्षेत्रों में कहीं भी तनात हों। ॥, मद्रास।	प्रथम आयकर अधिकारी, कारी, बैतन सर्किल भृत्यों के कृत्यों करते के लिए	सहायक आयकर आयुक्त (निरीक्षण) जिसे स्तम्भ 3 में निर्दिष्ट आयकर अधिकारी की बावत सहायक आयकर आयुक्त (निरीक्षण) के पालन करते के लिए नियुक्त किया गया है।	सहायक आयकर आयुक्त (अपीली) जिसे स्तम्भ 3 में निर्दिष्ट आयकर अधिकारी के विनिश्चय के विरुद्ध अपील, मुनने की शक्तियाँ विनिहित की गई हैं।	आयकर आयुक्त मद्रासन॥

[संख्या 1-का० सं० 187/1/71-आई० टी० (ए १)]

S.O. 1499.—In partial modification of Notification No. 87 dated 29th May, 1970 and in exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that the Additional Commissioner of Income-tax, Lucknow and the Additional Commissioner of Income-tax, Kanpur, shall also perform all the functions of the Commissioner of Income-tax, Lucknow and the Commissioner of Income-tax, Kanpur, respectively, under the Income-tax Act, 1961 in connection with the recovery of taxes including stay of demands and withholding of refunds under Section 241 of the said Act.

[No. 4(F. No. 187/13/70-IT(AI).)]

B. MADHAVAN, Under Secy.

एस० ओ० १४९९।—अधिनूचन सं० ८७ तारीख २९-५-७० के आंशिक उपांतरण में और आयकर अधिनियम, १९६१ (१९६१ का ४३) की धारा १२१ की उपधारा (१) द्वारा प्रदत्त शक्तियों वा प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एवं द्वारा निदेश देता है कि अपर आयकर आयुक्त, लखनऊ, और अपर आयकर आयुक्त, कानपुर, आयकर अधिनियम, १९६१ के अधीन करों की वसूली के सम्बन्ध में, जिसमें उक्त अधिनियम की धारा २४१ के अधीन मार्गों की रोक और प्रतिदाय का विधारण सम्मिलित है, क्रमशः आयकर आयुक्त, लखनऊ और आयकर आयुक्त कानपुर के कृत्यों का भी पालन करेंगे।

[सं० ४-फा० सं० १८७/१३/७०-आईटी (ए १)]

बी० माधवन,
अवर सचिव।

MINISTRY OF FOREIGN TRADE

New Delhi, the 27th March 1971

S.O. 1500.—Whereas the Textiles Committee has established standard specifications for the material as defined in clause (d) of regulation 2 of the Mill-made Cotton Made-up Articles (Towels), Inspection Regulations, 1969 for the purposes of export;

And whereas on the recommendation made to it in this behalf by the Textiles Committee, the Central Government is of opinion that the material which does not conform to the standards established by the said Committee should not be exported;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Textiles Committee Act, 1963 (41 of 1963), the Central Government hereby prohibits the export from India to any foreign country of the material defined in clause (d) of regulation 2 of the Mill-made Cotton Made-up Articles (Towels) Inspection Regulation, 1969, unless such material is covered by a certificate issued in this behalf under regulation 11 of the said regulations:

Provided that the above prohibition shall not apply to the export of low standard material which does not conform to the minimum standard required for the issue of a certificate under regulation 11 of the said regulations, if an order is received from abroad for the supply of such low standard material and if the officer authorised by the Textiles Committee in this behalf is satisfied about the bona fides of such order and the export of such material is authorised by him.

2. This notification shall come into force on the 1st April, 1971.

[No. F. 5/18/70/Tex-A.]

H. K. BANSAL, Dy. Secy.

विदेश व्यापार मंत्रालय

नई दिल्ली, 27 मार्च 1971

का० आ० 1500—यतः वस्त्र समिति के निर्यात के प्रयोजनों के लिए मिल-निर्मित सूती तैयार कपड़े (तौलिये) निरीक्षण विनियम, 1969 के विनियम 2 के खण्ड (घ) में यथा परिभाषित सामग्री के लिए मानक विनिर्देश स्थापित किए हैं;

आरेर यतः वस्त्र समिति द्वारा इस निमित्त उसे की गई सिफारिश पर केन्द्रीय सरकार की राय है कि एसी सामग्री का निर्यात नहीं किया जाना आहिए जो उक्त समिति द्वारा स्थापित मानकों के अनुरूप नहीं हैं;

अतः आब, वस्त्र समिति अधिनियम, 1963 (1963 का 41) की धारा 17 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार मिल-निर्मित सूती तैयार कपड़े (तौलिये) निरीक्षण विनियम, 1969 के विनियम 2 के खण्ड (घ) में परिभाषित सामग्री का भारत से किसी विदेश के लिए नियात प्रतिषिद्ध करती है जब तक कि एसी सामग्री पर उक्त विनियमों के विनियम 11 के अधीन इस निमित्त जारी किया गया प्रमाण पत्र न लगा हो :

परन्तु उप यत प्रतिषिद्ध उस निम्न भानक की सामग्री के निर्यात पर लागू नहीं होगा जो उक्त विनियमों के विनियम 11 के अधीन कोई प्रमाणपत्र जारी करने के लिए अपेक्षित त्यूनतम मानक के अनुरूप नहीं है, यदि एसे निम्न मानक की सामग्री की प्रवाय के लिए विदेश से कोई आईर प्राप्त होता है आरेर यदि एसे आईर के सद्भाव के बारे में वस्त्र समिति द्वारा इस निमित्त प्राप्तिकृत अधिकारी का समाधान हो गया है और उसने एसी सामग्री का निर्यात प्राप्तिकृत कर दिया है।

2. यह अधिसूचना 1 मार्च, 1971 को प्रवृत्त होगी।

[सं० एफ 5/18/70/वस्त्र-ए]

एच० क० बंसल, उपसचिव।

New Delhi, the 29th March 1971

S.O. 1501.—In continuation of this Ministry's Notification of even number, dated 5th August, 1970 and in exercise of the Powers conferred by Clause (a) of Sub-Section (1) of Section 9 of the Tea Act, 1953 (29 of 1958), the Central Government hereby extends the period of officiating appointment of Shri I. B. Ghosh as Secretary, Tea Board upto the 31st March, 1971.

[No. 1(9)-Plant(A)/70.]

A. K. MISRA, D.Y. Director.

नई दिल्ली, 29 मार्च, 1971

का० आ० 1501—इस मंत्रालय की सम संलयक अधिसूचना दिनांक 5 अगस्त, 1970 के अम में तथा आय अधिनियम, 1953 (1953 का 29) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री आई० बी० शोष की सचिव, आय बोर्ड के रूप में स्थानापन नियुक्त की अवधि को 31 मार्च, 1971 तक के लिए बढ़ाती है।

[सं० 1(9)-प्लाट (ए)/70]

ए० क० मिश्र, उपनिर्देशक।

MINISTRY OF FOREIGN TRADE
(Office of the Joint Chief Controller of Imports and Exports)
ORDERS

New Delhi, the 8th December 1970

S.O. 1502.—M/s. Orient General Agencies, Prop. Baisiwala Bros. Private Limited, 2711-Lothian Road, Kashmere Gate, Delhi-6, were granted an Established Importer's licence No. P/E/0163675, dated 27th August, 1968 for Rs. 9,470 for import of Spare parts for Agricultural Tractors and for Tractor Drawn Agricultural Implements as per remarks in the Red Book Vol. I, under I.T.C. Serial No. 74(iii)/V. They have applied for the Duplicates Customs purpose copy of the said licence on the ground that the original copy has been lost or misplaced. It is, further stated by the firm that the original Customs purpose copy of the said licence was Registered with Customs House, Bombay and the licence was utilised for Rs. 8049 leaving un-utilised balance of Rs. 1,421 and was further revalidated from 29th April, 1970 to 29th July, 1970.

In support of this declaration, the applicant has filed an Affidavit duly attested stating that the Original Customs Purpose Copy of the licence has been lost or misplaced.

I am satisfied that the Original Custom Purpose copy of the said licence has been lost and direct that Duplicate Customs Purpose copy for Rs. 1,421 revaluated upto 29th July, 1970 should be issued to the applicant. The Original Customs Purpose copy of the licence is cancelled.

[No. 74-V/34/A.M. 69/Q.L./C.I.A.]

विदेश व्यापार मंत्रालय (मुद्र नियन्त्रक, आयात-निर्यात का कार्यालय)

आदेश
लई दिनांक: 8 दिसम्बर, 1970

एस० एम० 1502.—सर्वश्री ओरिएन्ट जनरल एजन्सीज, प्रो० बेसिवाला ब्रदर्स प्रा० लि०, 2711, लोथियान रोड, कश्मीरी गेट दिल्ली—6 की रेड बुक बालुम-1 के आई०टी०सी० क्रम सं० 74(3)/5 के अन्तर्गत दी गई टिप्पणियों के अनुसार कृषि ट्रैक्टरों तथा ट्रैक्टर ड्रान कृषि उपकरणों के फालतू पुर्जों के आयात के लिए 9470 रुपये का सुस्थापित आयातक लाइसेंस सं० पी/ई/0163675 दिनांक 27-8-68 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमा-शुल्क कार्य सम्बन्धी प्रति के लिए इस आधार पर अनुरोध किया है कि मूल प्रति खो गई है अथवा अस्थानस्थ हो गई है। फर्म द्वारा आगे यह बताया गया है कि उक्त लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति सीमा-शुल्क कार्यालय बम्बई के पास पंजीकृत कराई गई थी और लाइसेंस के मूल में से 1,421 रुपये शेष को छोड़ कर 8049 रुपये का उपयोग कर लिया गया था और 29-4-70 से 29-7-70 तक लाइसेंस और पुनर्बोध किया गया था।

इस तर्क के समर्थन में यह बताते हुए कि उक्त लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई है अथवा अस्थानस्थ हो गई है आवेदक ने एक विधिवत् सावधानित शपथ-पत्र जागा किया है।

मैं सन्तुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई है और निदेश देता हूँ कि आवेदक को 1,421 रुपये के लिए 29-7-1970 तक पुनर्बोध की गई अनुलिपि सीमा शुल्क कार्य सम्बन्धी प्रति जारी की जानी चाहिए। मूल सीमा-शुल्क कार्य सम्बन्धी प्रति रद्द की जाती है।

[संख्या : मि०स० 74-5/34/एम६९/क्य० एस०सी०एल०ए]

S.O. 1503.—M/s. Orient General Agencies Prop. Baisiwala Pvt. Ltd. 2711-Lothian Road, K. Gate, Delhi-6, were granted an Established Importer's licence No. P/E/0170893, dated 10th July, 1969 for Rs. 7,576 for Import of Spare parts.

for Agricultural Tractors and Tractor Drawn Agricultural Implements as per Red Book for A.M. 70 L/P under I.T.C. Serial No. 74(iii)/V. They have applied for the Duplicate Customs purpose copy of the said licence on the ground that the original has been lost or misplaced. It is, further stated by the firm that the Original Customs purpose copy of the licence was registered with Customs House Bombay and the licence was utilised for Rs. 4,675 leaving un-utilised balance for Rs. 2901 only.

In support of this declaration, the applicant has filed an Affidavit duly attested stating that the Original Customs Purpose copy of the licence has been lost or misplaced.

I am satisfied that the Original Customs Purpose copy of the said licence has been lost and direct that Duplicate Customs Purpose copy for Rs. 2901 should be issued to the applicant. The original Customs Purpose copy of the licence is cancelled.

[No. 74-V/19/AM-70/QL/CLA.]

R. L. VERMA,

Dy. Chief Controller of Imports & Exports,
For Jt. Chief Controller of Imports & Exports.

एम० ओ० 1503 :— सर्व श्री ओरियन्टल जनरल एंजेसीज प्रो० बेसीवाला ब्रदर्स आ० लि० 2711-लोधियान रोड कश्मीरी गेट दिल्ली-6 को अप्रैल-मार्च 70 लाइसेंस अवधि के लिये रेड बुक की आई० टी० सी० क्रम संख्या 74(3)/5 के अन्तर्गत दिए गए के अनुसार कृषि ट्रैक्टरों तथा ट्रैक्टर ड्राइव कृषि उपकरणों के फालतू पुर्जों के आयात के लिये 7576 रुपये का सुस्थापित आयातक लाइसेंस संख्या पी/ई/170896 दिनांक 10-7-69 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमा-शुल्क कार्य सम्बन्धी प्रति के लिये इस आधार पर अनुरोध किया है कि मूल प्रति खो गई है अथवा अस्थानस्थ हो गई है। फर्म द्वारा आगे यह बताया गया है कि मूल सीमा-शुल्क कार्य सम्बन्धी प्रति-सीमा-शुल्क कार्यालय बम्बई के पास पंजी-कृत की गई थी और लाइसेंस के मूल्य में से 2901 रुपये मात्र शेष को छोड़ कर 4675 रुपये का प्रयोग किया गया था।

इस तर्क के समर्थन में यह बताते हुये कि मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई है अथवा अस्थानस्थ हो गई है आवेदक ने एक विधिवत् सांदियाकित शपथ-पत्र जमा किया है।

मैं सन्तुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा-शुल्क कार्य सम्बन्धी प्रति खो गई है और निदेश देता हूँ कि आवेदक को 2901 रुपये के लिए अनुलिपि सीमा-शुल्क कार्य सम्बन्धी प्रति जारी की जानी चाहिये।

लाइसेंस की मूल-सीमा-शुल्क कार्य सम्बन्धी प्रति रद्द की जाती है।

[संख्या 74-5/19/ए एम-70/क्यू० एल०/सी एल ए]

आर० एल० वर्मा,

उम-मध्य नियंत्रक, आयात नियंत्रित,
कृते संयुक्त सचिव, मुख्य नियंत्रक आयात-नियंत्रित

(Office of the Joint Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 17th March 1971

S.O. 1504.—M/s. Waste Work Engineers (Pvt.) Ltd., 15, Bhandup Village Road, Bhandup, Bombay-78, were granted an import licence No. P/D/2174280/

R/KN/36H/21/32, dated 25th August, 1970 of Rs. 25,000 (Rupees Twenty Five thousand only). They have applied for the issue of a duplicate Customs as well as Exchange Control Purposes copies has been lost. It is further stated that the original Custom Purposes copy was not registered with the Customs authorities. The Mitsui Bank Ltd., Bombay has certified that the firm have opened Letter of Credit to the extent of Rs. 13,805.42 np. It was not utilized for the import of goods.

2. In support of this contention the applicant has filed an affidavit alongwith a certificate from the Mitsui Bank Ltd., Bombay. I am accordingly satisfied that the original Customs Purposes/Exchange Control Purposes copies of the said Licence has been lost. Therefore in exercise of the powers conferred under Sub-Clause 9(cc) of the Imports (Control) Order, 1955 dated 7th December, 1955, as amended, the said original Custom/Purposes/Exchange Control Purposes copies of the licence No. P/D2174280/R/KN/36/H/31/32, dated 25th August, 1970, issued to M/s. Westerwork Engineers Pvt. Ltd., Bombay are hereby cancelled.

3. Duplicate Customs Purposes/Exchange Control Purposes copies of the said licence are being issued separately to the licensee.

[No. F. T991/22/70-71/RMI.]

(मध्य नियंत्रक, आयात-नियंत्र का कार्यालय)

ଆଧେଶ

नई दिल्ली, 17 मार्च, 1971

एस प्रो० 1504.—सर्वश्री वस्टर थक्सें इंजीनियर्स प्रा० लि०, 15 भण्डूप, अस्बर्ह-८८ एन० बी० को० 25,000 रुपये (पच्चीस हजार रुपये मात्र) के लिए एक आयात लाइसेंस संहारा पी/भी/ 2174280/आर/के एन/ 36/एच / 31/32, दिनांक 25-8-1970 जारी किया गया था। उन्होंने उक्त लाइसेंस की सीमा शूल्क प्रति मुद्रा विनियम नियंत्रण प्रति क्ष. अन्ति दि है रुपये इस आधार पर आवेदन किया है कि इसकी यूल प्रति खो गई है/अस्थानस्थ हो गई है। आगे यह उल्लेख किया जाता है कि मूल सीमा-शूल्क विभाग सम्बन्धी प्रति को सीमा शूल्क प्रधिकारी दरद्द द्वारा से पंजीकृत नहीं कराया गया था। मित्रसुई बैंक लि०, अस्बर्ह ने प्रमाणित किया है कि फर्म 13,805.42 रुपये की सीमा तक लाइसेंस के रद्द करने को सहमत है। इस का उपयोग माल के आयात के लिए नहीं किया गया था।

2. इस तर्क के समर्थन में आवेदक ने मितसुई बैंक लि०, बम्बई से एक प्रमाण पत्र के साथ एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि उक्त लाइसेस का भू. सू. १८५४ प्रति/मुद्रा विनिमय नियंत्रण प्रति खो गई है। अतः यथा समोधित, आयात (नियंत्रण) आदेश, 1955 की उपधारा ९ (सी सी) में प्रदत्त अधिकारोंका प्रयोग करते हुए सर्वश्री वेस्टर इंजीनियर्स प्रा० लि० को जारी किए गए लाइसेस संख्या पी/डी/ २१७४/२८०/आर/के/एन/३६/एच/३१-३२, दिनांक २५-८-१९७० की उक्त भूल सीमा शुल्क प्रति/मुद्रा विनिमय नियंत्रण प्रति एहतद्वारा रद्द की जाती है।

3. लाइसेंस धारी को उक्त लाइसेंस की सीमा शुल्क प्रति/मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि अलग से जारी की जा रही है।

「संख्या ४४-५/एनपीसी-१-बी」

S.O. 1505.—M/s. R. H. Windsor (India) Ltd., E-6, U. Road, Thana Industrial Estate, Thana were granted an import licence No. P/D/2178029/R/KN/34/H/29-30 MLI dated 28th February, 1970 for Rs. 7,20,000 (Rupees Seven Lakhs and twenty thousand only). They have applied for the issue of a duplicate Exchange Control purposes copy of the said licence on the ground that the Exchange Control Purposes-

copy of the said licence has been lost/misplaced. It is further stated that the original Exchange Control copy was registered with National Grindlays Bank Ltd., Thana and utilised partly. It was utilised for Rs. 4,44,231 and the balance available on it was Rs. 2,75,769.

In support of this contention the applicant has filed an affidavit alongwith a certificate from M/s. National & Grindlays Bank Ltd., Thana. I am accordingly satisfied that the original Exchange Control Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Exchange Control Purposes copy of licence No. P/D/2178029/R/KN/34/H/29/30/MLI dated 28th February, 1970 issued to M/s. R. H. Windsor (India) Ltd., E-6, U. Road, Thana, Industrial Estate, Thana is hereby cancelled.

A duplicate Exchange Control Purposes copy of the said licence is being issued separately to the licensee.

[No. F. Tools/142/69-70/RML]

G. D. BAHL,

Dy. Chief Controller of Imports and Exports.

एस० ग्रो० 1505.—सर्वश्री विंडसर (इंडिया) लि०, ई-6, यू रोड थाना इंडस्ट्रीयल स्टेट, थाना को 7,20,000 रुपये (सात लाख बीत हजार रुपये मात्र) का आयात लाइसेस संख्या पो/डी/2173029/प्रार/हे/रा/34/एव/29-3/एम एन-1 दिनांक 28-2-70 द्वारा किया गया। उद्दीप्त उक्त लाइसेस को प्रारूपित रुपा-विनिमय नियंत्रण प्रति के लिए इस प्रावधार रर प्रावेदित किया है कि इस रुपा विनिमय नियंत्रण प्रति जो गई है/प्रावधानस्थ हो गई है। उनके द्वारा आगे यह बताया गया है कि मूल रुपा-विनिमय नियंत्रण प्रति नेशनल रया प्रिण्टर्स कंपनी द्वारा अपने नाम पर उक्त लाइसेस संख्या की गई थी, प्रीर उक्त राष्ट्रीय रियल लाइसेस के मूल मूले 4,44,231 रुपये का उपयोग कर लिया गया था और तो 2,75,769 रुपये बचा रहा है।

2. आगे तब के तम पर्यामे आवेदक ने सर्वश्री नेशनल रया प्रिण्टर्स के द्वारा आवधान-पत्र के साथरएक शायद-नव जमार किया है। तद्वारा मैं डस्टेट संतुष्ट हूँ कि उक्त लाइसेस की मूल रुपा-विनिमय नियंत्रण प्रति जो गई है। इसलिए मथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (सी सी) के अन्तर्गत प्रदत्त जाक्षितरों का प्रयोग कर एतद्वारा लाइसेस संख्यापी/डी/2178029/प्रार/के एन/34/एव/29-30/एम एल 1, दिनांक 28-2-70 की मूल मूल रुपा विनिमय नियंत्रण प्रति, जो सर्वश्री विंडसर (इंडिया) लि०, ई-6, यू रोड, थाना इण्डस्ट्रीयल स्टेट थाना के नाम जारी की गई थी, रद्द को जाती है।

3. उक्त लाइसेस की रुपा-विनिमय नियंत्रण प्रति प्रता जारी की जारही है।

[संख्या टूल्ज/142/69-70]

जी० डी० बहल,
उप-मुख्य नियंत्रक, आयात-निर्यात।

MINISTRY OF FINANCE

(Department of Banking)

New Delhi, the 16th March 1971

S.O. 1506.—In pursuance of clause (a) of sub-section (1) of section 20 of the Agricultural Refinance Corporation Act, 1963 (10 of 1963), and in supersession of the notification of the Government of India in the Ministry of Finance, Department

of Banking, No. F. 14/42/70-SB, dated the 4th November, 1970, the Central Government hereby fixes five and three-fourths per cent per annum as the rate of interest payable on the bonds of the value of eight crores, fifty-two lakhs and fifty thousand rupees issued by the Agricultural Refinance Corporation on the 26th November, 1970 at par with a maturity period of 12 years.

[No. F. 14/42/70-SB.]

दित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 16 मार्च, 1971

एस० ओ० 1506.—कृषि पुनर्वित नियम, अधिनियम, 1963 (1963 का 10) की धारा 20 की उपधारा (1) के बाण्ड (क) के अनुसरण में तथा वित्त मंत्रालय के बैंकिंग विभाग की भारत सरकार की अधिसूचना संख्या एक० 14/42/70—एस० बी० दिनांक 4 नवम्बर, 1970 का अतिक्रमण करते हुए केन्द्रीय सरकार, कृषि पुनर्वित नियम द्वारा 26 नवम्बर, 1970 को सममूल्य पर 12 वर्ष की अवधि के लिए जारी किए गये आठ करोड़ बाबन लाख पचाह हजार रुपये के मूल्य के बाण्डों पर, देय ब्याज की दर एतद्वारा 53/4 प्रतिशत वार्षिक निर्धारित करती है।

[संख्या एक० 14/42/70 एस० बी०]

S.O. 1507.—In pursuance of clause (a) of sub-section (1) of section 20 of the Agricultural Refinance Corporation Act, 1963 (10 of 1963) and in supersession of the notification of the Government of India in the Ministry of Finance, Department of Banking, No. F. 14/47/69-SB, dated the 26th November, 1969, the Central Government hereby fixes five and three-fourths per cent per annum as the rate of interest payable on the bonds of the value of eleven crores of rupees issued by the Agricultural Refinance Corporation on the 5th January, 1970 at par with a maturity period of 12 years.

[No. F. 14/47/69-SB.]

एस० ओ० 1507.—कृषि पुनर्वित नियम, अधिनियम 1963 (1963 का 10) की धारा 20 की उपधारा (1) के बाण्ड (क) के अनुसरण में तथा वित्त मंत्रालय के बैंकिंग विभाग की भारत सरकार की अधिसूचना नं. ४८ एक० 14/47/69—एस० बी० दिनांक 26 नवम्बर, 1969 का अतिक्रमण करते हुए केन्द्रीय सरकार, कृषि पुनर्वित नियम द्वारा 5 जनवरी, 1970 को सममूल्य पर 12 वर्ष की अवधि के लिए जारी किए गए चारहूँ करोड़ रुपये के मूल्य के बाण्डों पर, देय ब्याज की दर एतद्वारा 5/3/4 प्रतिशत वार्षिक निर्धारित करती है।

[संख्या एक० 14/47/69—(एस० बी०)]

New Delhi, the 26th March 1971

S.O. 1508.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 and sub-sections (2) and (4) of section 10 B of the said Act shall not apply till the 30th June, 1971, to the Vijaya Bank Ltd., Mangalore in so far as the said provisions prohibit Shri M. Sunder Ram Shetty, its Chairman (Chief Executive Officer) from being the Director of the Agricultural Finance Corporation Ltd., which is a company registered under the Companies Act, 1956 (1 of 1956).

[No. F. 13/2/71-ACI.]

नई दिल्ली, 26 मार्च, 1971

एस० ओ० 1508.—बैंकिंग विभाग प्रतिनिधि, 1949 (1949 का दरवाजा) नी धारा 53 धारा प्रति गतियों का प्रतीक नहीं होने देता है, जो विभाग, मार्गों पर रिजर्व बैंक नी तिनारिश पर,

एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) और (II) और धारा 10 प्र की उपधारा (2) और (4) के उपबन्ध, जहां तक कि ये उपबन्ध श्री एम० सुन्दरम राम चेट्टी चैयरमैन विजय बैंक लिमिटेड, मंगलौर (मुख्य कार्यकारी अधिकारी), को कृषि वित्त निगम लिमिटेड का, जो कम्पनी अधिनियम 1956 (1956 का पहला) के अधीन पंजीकृत एक कम्पनी हैं, का निदेशक होने से रोकते हैं, 30 जून 1971 तक विजय बैंक लिमिटेड मंगलौर पर लागू नहीं होंगे।

[सं० एफ० 13/2/71—ए०सी०आई०]

S.O. 1509.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply, till the 30th June, 1971, to the under-mentioned banks in so far as the said provisions prohibit their respective Custodians and/or Chief Executive Officers, by whatever name called, from being the directors of the Agricultural Finance Corporation Ltd., being a company registered under the Companies Act, 1956 (1 of 1956).

Name of Bank	Name and designation of Custodian/Chief Executive Officer
(1)	(2)
1. Punjab National Bank, New Delhi.	Shri S. C. Trikha, Custodian.
2. United Commercial Bank, Calcutta.	Shri R. B. Shah, Custodian.
3. Dena Bank, Bombay.	Shri R. A. Gulmohamed, Custodian.
4. Bank of Maharashtra, Poona.	Shri C. V. Joag, Custodian.
5. Indian Overseas Bank, Madras.	Shri R. N. Chettur, Custodian
6. National & Grindlays Bank Ltd., Calcutta.	Mr. W. M. Bennett, Chief Manager for India.
7. The Chartered Bank, Calcutta.	Mr. I. S. Gordon, Chief Manager for India.

[No. F. 13/2/71-ACI.]

L. D. KATARIA, Dy. Secy.

एस० ओ० 1510.—वैकिंग विनियमन अधिनियम, 1949 (1949 का दस्ता) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) तथा (II) के उपबन्ध, निम्नलिखित बैंक पर, जहां तक कि ये उपबन्ध सम्बद्ध बैंक के अभिरक्षक और या मुख्य कार्यकारी अधिकारी को, चाहे उसे किसी भी ताम से जाना जाय, कम्पनी अधिनियम, 1956 (1956 का पहला) के अन्तर्गत पंजीकृत, कृषि वित्त निगम लिमिटेड का निदेशक बनने से रोकते हैं, 30 जून, 1971 तक लागू नहीं होंगे।

बैंक का नाम	अभिरक्षक/मुख्य कार्यकारी अधिकारी का नाम या पद
(1)	(2)
1. पंजाब नेशनल बैंक, नई दिल्ली	श्री एस० सी० लिखा, अभिरक्षक ।
2. यूनाइटेड कमर्शियल बैंक, कलकत्ता	श्री आर० बी० शाह, अभिरक्षक ।

(1)

3. देना बैंक, थम्बर्झ
4. बैंक प्राफ महाराष्ट्र पुना
5. इण्डियन ओवरसीज बैंक, मद्रास
6. नेशनल एण्ड ग्रिंडलेज बैंक, लिमिटेड,
7. दी वार्टड बैंक, कलकत्ता ।

(2)

- श्री आर० ए० गुलमोहर्मद, अभिभासक ।
- श्री सौ० धी० जोग, अभिभासक ।
- श्री आर० एन० चेत्तूर, अभिभासक ।
- श्री हन्त्य० एम० बेनेट, भारत के लिए मुख्य प्रबन्धक ।
- श्री आई० एम० गोरडोन, भारत के लिए मुख्य प्रबन्धक ।

[संख्या एफ० 13 (2)-71 ए०सी०आई०]

एल० डी कटारिया, उप-सचिव ।

(Department of Banking)

New Delhi, the 27th March 1971

S.O. 1510.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the Frontier Bank Ltd., New Delhi till the 6th June, 1971 or till the date of its conversion into a non-banking company/winding up of its affairs, whichever is earlier, in so far as the said provisions prohibit its Chief Executive Officer from being the Managing Director of the Goa Private Ltd.

[No. F. 15(11)-BC/71.]

(बैंकिंग विभाग)

नई दिल्ली, 27 मार्च, 1971

एस०ओ० 151.—बैंकिंग विभाग अधिनियम, 1949 (1949 द्वां दसां) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषित करती है कि उक्त अधिनियम की धारा 10 की उधारा (1) के खण्ड (ग) के उप-खण्ड (I) और (II) के उपबन्ध, फंटियर बैंक लिमिटेड, नई दिल्ली पर, 6 जून, 1971 या उस तारीख तक जब यह बैंक, गैर-बैंकिंग काम्पनी के रूप में परिवर्तित न हो जाय। इसका काम बन्दन कर दिया जाय, इनमें से जो भी पहले हो, जहां तक उक्त उपबन्धों पर कामवन्ध इनके मुख्य कार्यकारी अधिकारीं को, गोला प्राइवेट लिमिटेड के प्रबन्ध निदेशक बनने से रोकते हैं, लागू नहीं होते।

[संख्या एफ० 15(11)-बी० सी०/71]

S. O. 1511.—Statement of the Affairs of the Reserve Bank of India, as on the 19 March, 1971

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital Paid Up	5,00,00,000	Notes	14,51,52,000
		Rupee Coin	2,99,000
Reserve Fund.	150,00,00,000	Small Coin	4,01,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Long Term Operations) Fund	172,00,00,000	(a) Internal	4,88,04,000
		(b) External
		(c) Government Treasury Bills	16,54,25,000
National Agricultural Credit (Stabilisation) Fund	37,00,00,000	Balances Held Abroad*	102,07,60,000
		Investments**	102,95,23,000
		Loans and Advances to :—	
National Industrial Credit (Long Term Operations) Fund	95,00,00,000	(i) Central Government
		(ii) State Governments@	209,05,46,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	442,81,80,000
(i) Central Government	373,74,24,000	(ii) State Co-operative Banks††	284,71,42,000
(ii) State Governments	11,99,55,000	(iii) Others	5,44,97,000

		Loans, Advances and Investments from "National Agricultural Credit (Long Term Operations) Fund—	
(b) Banks		(a) Loans and Advances to :—	
(i) Scheduled Commercial Banks	195,92,60,000	(i) State Governments	35,28,12,000
(ii) Scheduled State Co-operative Banks .	8,69,94,000	(ii) State Co-operative Banks	19,79,53,000
(iii) Non-Scheduled State Co-operative Banks	78,37,000	(iii) Central Land Mortgage Banks
(iv) Other Banks	27,60,000	(b) Investment in Central Land Mortgage Bank	9,59,42,000
(c) Others	69,91,25,000	Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund.	
Bills Payable	63,48,45,000	Loans and Advances to State Co-operative Banks	4,34,45,000
Other Liabilities	142,75,16,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
Rupees	1326,57,16,000	(a) Loans and Advances to the Development Bank	29,83,71,000
		(b) Investment in bonds/debentures issued by the Development Bank
		Other Assets	44,64,64,000
		Rupees	1326,57,16,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

③Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs.2266,20,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 24th day of March 1971.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 19th day of March, 1971

ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department	14,51,52,000	Gold Coin and Bullion :—	
Notes in circulation	4255,31,44,000	(a) Held in India	182,53,11,000
Total Notes issued	4269,82,96,000	(b) Held outside India	..
		Foreign Securities	268,42,00,000
		TOTAL	450,95,11,000
		Rupee Coin	50,14,82,000
		Government of India Rupee Securities	3768,73,03,000
		Internal Bills of Exchange and other commercial paper	..
Total Liabilities	4269,82,96,000	Total Assets	4269,82,96,000

Dated the 24th day of March, 1971

S. JAGANATHAN
Governor.

[No. F. 3 (3)-BC 71.]
K. YESURATNAM, Under Secy.

एस० ओ० 1511—19 मार्च, 1971 को रिजर्व बैंक आफ इंडिया के बैंकिंग विभाग के कालाप का विवरण।

देयता, ₹	रुपये	आस्तियां	₹ ये
चुक्ता पूँजी	5,00,00,000	नोट	14,51,52,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	2 99,000
		छोटा सिक्का	4,01,000
राष्ट्रीय कृषि क्षण (दीर्घकालीन क्रियाएं) निधि	172,00,00,000	खरीदे और भूतावे गए विल :—	
रा द्वीप कृषि क्षण (स्थरीकरण) निधि	37,00 00,000	(क) देशी	4,88,04,000
		(ब) विदेशी
		(ग) सरकारी खजाना विल	16,54,25,000
रा द्वीप औद्योगिक क्षण (वीरकालीन क्रियाएं) निधि	95,00,00,000	विदेशों में रखा हुआ बकाया*	162,07,61,000
		निवेश**	102,95,23,000
जमा-राशियां :—		क्षण और अग्रिम :—	..
(क) सरकारी		(i) केन्द्रीय सरकार	
(i) केन्द्रीय सरकार	373,74,24,000	(ii) राज्य सरकारों को @	209,05,46,000
(ii) राज्य सरकारें	11,99,55,000		
(ख) बैंक		क्षण और अग्रिम :—	
(i) अनुसूचित वाणिज्य बैंक	195,92,60,000	(i) अनुसूचित वाणिज्य बैंकों को	442,81,80,000
(ii) अनुसूचित राज्य सहकारी बैंक	8,69,94,000	(ii) राज्य सहकारी बैंकों को	284,71,42,000
		(iii) दूसरों को	5,44,97,000
		राष्ट्रीय कृषि क्षण (दीर्घकालीन क्रियाएं) निधि से	
		क्षण, अग्रिम और निवेश	

देयताएं	रुपये	आस्तियां	रुपये
(iii) बैर-ग्रन्तसूचित राज्य सहकारी बैंक	78,37,000	(क) कृष्ण और अधिम :-	
(iv) अन्य बैंक	27,60,000	(i) राज्य सरकारों को	35,28,12,000
(ग) यत्य	69,91,25,000	(ii) राज्य सहकारी बैंकों को	19,79,53,000
		(iii) केन्द्रीय भूमिक्षक बैंकों को	
देय दिन	63,48,45,000	(ख) केन्द्रीय भूमिक्षक बैंकों के डिवेचरो में निवेश राष्ट्रीय कृषि कृष्ण (स्थिरीकरण) निधि से कृष्ण और अधिम	9,59,42,000
अन्य देयताएं	142,75,16,000	गज्य सहकारी बैंकों को कृष्ण और अधिम राष्ट्रीय ध्रीघोषिक कृष्ण (दीर्घकालीन कियाएं) निधि से कृष्ण, अधिम और निवेश	4,34,45,000
		(क) विकास बैंक को कृष्ण और अधिम	29,83,71,000
		(ख) विकास बैंक द्वारा जारी किए गए बांडों/डिवेचरो में निवेश अन्य आस्तियां	44,64,64,000
	1326,57,16,000	रुपये	1326,57,16,000

*नकदी, आवधिक जमा और अन्यकालीन प्रतिमूलियां शामिल हैं।

**राष्ट्रीय कृषि कृष्ण (दीर्घकालीन कियाएं) निधि और राष्ट्रीय ध्रीघोषिक कृष्ण (दीर्घकालीन कियाएं) निधि में से किए गए निवेश शामिल नहीं है।

①राष्ट्रीय कृषि कृष्ण (दीर्घकालीन कियाएं) निधि से प्रदत्त कृष्ण और अधिम शामिल नहीं हैं, परन्तु राज्य सरकारों के अस्पायी ग्रोवरड्राफ्ट शामिल हैं।

†रिजर्व बैंक ग्राफ इण्डिया अधिनियम की धारा 17(4) (ग) के अधीन ग्रन्तसूचित वाणिज्य बैंकों को मियादी बिलों पर अधिम दिये गये 286,20,00,000 रुपये शामिल हैं।

††राष्ट्रीय कृषि कृष्ण (दीर्घकालीन कियाएं) निधि और राष्ट्रीय कृषि कृष्ण (स्थिरीकरण) निधि से प्रदत्त कृष्ण और अधिम शामिल नहीं हैं।

तारीख : 24 मार्च, 1971।

रिजव बैंक आफ इंडिया प्रॉविन्यम, 1934 के अनुसरण में मार्च 1971 को 19 तारीख को समाप्त हुए सप्ताह के लिये लेखा

इत्यु विभाग

देवताएँ	रुपये	रुपये	आस्तियां	रुपये	रुपये
इकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन:—		
नोट	14,51,52,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	4255,31,44,000		(ख) भारत के बाहर रखा		
			हमा		
			विदेशी प्रतिभूतियां	268,42,00,000	
बारी किए गए कुल नोट	4269,82,96,000				
			जोड़		450,95,11,000
			रुपये का सिक्का		50,14,82,000
			भारत सरकार की रुपया		
			प्रतिभूतियां		3768,73,03,000
			देशी विनिमय बिल और		
			दूसरे वाणिज्य-पत्र		
कुल देवताएँ	4269,82,96,000		कुल आस्तियां		4269,82,96,000

(ता। ता। : 24 मार्च, 1971)

(ह०) एस० जगन्नाथन,
गवर्नर।

[सं० एफ० 3 (3)-वी० सी०/71]

क० यस्तुरत्नम्, अवर सचिव।

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 1st February 1971

S.O. 1512.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises:

1. Shri F. Ahmed, and
2. Shri R. K. Dutta.

who are Gazetted Officers of the Central Government to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from 15th February, 1971.

[No. 16(F. No. 404/22/71-ITCC).]

(राष्ट्रस्व और शीमा विभाग)

आयकर

तई दिल्ली, 1 फरवरी, 1971

एस० ओ० 1512—आय कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) वे उपखण्ड (III) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1. श्री एफ० अहमद 2. श्री आर० कौ० दत्त को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम वे अधीन कर दसूली अधिकारियों को शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना 15 फरवरी, 1971 से प्रवृत्त होगी।

[संख्या 16 (फा० सं० 404/22/71-आई० टी० सी० सी०)]

New Delhi, the 2nd February 1971

S.O. 1513.—In exercise of the powers conferred by Rule 4 of the Income-tax (Certificate Proceedings) Rules, 1962 the Central Government hereby appoints the Commissioner of Income tax, Assam, Nagaland, Manipur, Tripura and Meghalaya, Shillong to be a Tax Recovery Commissioner.

2. This Notification shall come into force with effect from 15th February, 1971.

[No. 18 (F. No. 404/22/71-ITCC).]

R. D. SAXENA, Dy. Secy.

तई दिल्ली, 2 फरवरी 1971

एस० ओ० 1513—आयकर (प्रमाणपत्र कार्यालयों) नियम, 1962 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा असम, नागालैंड, मणिपुर, निपुरा, और मेघालय, शिलांग वे आयकर आयुक्त को कर वसूली आयुक्त के रूप में नियुक्त करती है।

2. यह अधिसूचना 15 फरवरी, 1971 से प्रवृत्त होगी।

संख्या 18 (फा० सं० 404/22/71-आई० टी० सी० सी०)]

आर० डी० सक्सेना, उप सचिव।

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 23rd March 1971

S.O. 1514.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Agricultural

Research the "prescribed authority" for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961 (43 of 1961):

INSTITUTION

Bharatiya Krishi Udyog. Pratishthan (Bharatiya Agro-Industries Foundation), Uruli Kanchan, District Psona.

[No. 88(F. No. 11/15/69-IT(AII).]

S. N. NAUTIAL, Dy. Secy.

(राजदूत और बीमा विभाग)

(अ यद्यपि)

नई दिल्ली, 23 मार्च, 1971

एस० ओ० 1514—सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि निम्नलिखित संरथा को वैज्ञानिक और श्र्वाचंगिक अनुसंधान परिषद द्वारा, आयकर अधिनियम, 1961 (1961 का 43) की धारा 35 की उपधारा (1) के खण्ड (II) के प्रयोजनों के लिए “विहित प्राधिकरण” अनुमोदित किया गया है।

संख्या

भारतीय कृषि उद्योग प्रतिष्ठान
(भारतीय एंग्रेज़ इंडस्ट्रीज़ कांडेशन)
उरुली कचन, जिला पुना ।

[संख्या ४८ फा० सं० ११/१५/६९-प्राई० टी० (ए २)]

एस० एन० नीटियाल, उपसचिव ।

RESERVE BANK OF INDIA

(Central Office)

Bombay, the 3rd February 1971

Destruction of Records (Public Debt Office) Amendment Rules, 1971

S.O. 1515.—In exercise of the powers conferred by sub-section (1) of section 3 of the Destruction of Records Act, 1917 (5 of 1917), read with the Order of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. G.S.R. 1625, dated the 30th August, 1968, I, the undersigned, with the previous approval of the Central Government, hereby make the following rules further to amend the Destruction of Records (Public Debt Office) Rules, 1959, published with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 1672, dated the 8th April, 1959, namely:—

1. These rules may be called the Destruction of Records (Public Debt Office) Amendment Rules, 1971.
 2. In the Schedule to the Destruction of Records (Public Debt Office) Rules, 1959, after Serial No. 128 and the entries relating thereto, the following shall be added, namely:—

“129 Interest/Instalment Due Dates Register. 3 years from the date the outstanding therein are copied in a new register.”

[No. F. 5(6)-WGM/62.]

(Sd.) Illegible,

Chief Accountant,

Reserve Bank of India

Central Office

**Department of Accounts and Expenditure
Central Debt Section,
Bombay.**

भारतीय रिजर्व बैंक

केन्द्रीय कार्यालय

बम्बई, 3 फरवरी, 1971

अभिनेत्र विभाग (परकारी ऋग कार्यालय) संशोधन नियमावली, 1971

क्रा० आ० 1515 :— भारत सरकार के वित्त मंत्रालय (पर्व विभाग) के 30 अगस्त 1968 के सा० का० नि० संख्या 1625 के साथ पवित्र अभिनेत्र विनाशन अधिनियम 1917 (1917 के पांचवें प्रतिनिधित्व) को भारा 3 की उम्मीदारा (I) के द्वारा प्रदत्त शक्तियों का प्रशोग करते हुए मैं अभिनेत्र विभाग के नियम सरकार की पूर्वानुमति से एतद्वारा भारत सरकार के वित्त मंत्रालय (पर्व विभाग) को प्रधिकूवता के साथ निकाले गये दिनांक 8 अप्रैल 1959 के का० आ० संख्या 1672 के अन्तर्गत प्रहारित अभिनेत्र विनाशन (सरकारी ऋग कार्यालय) नियमावली 1959 में और आगे उगोचा करते के लिये विस्तरित विवर निम्न बनाता हूँ अर्थात् :—

1. इन नियमों को जप्रभिनेत्र विनाशन (सरकारी ऋग कार्यालय) संशोधन नियमावली 1971 कहा जा सकेगा।
2. अभिनेत्र विभाग (परकारी ऋग कार्यालय) नियमावली 1959 की अनुसूची में कठ संख्या 128 और उससे सम्बन्धित इन्दराजों के बाद निम्नलिखित जोड़ दिया जाएगा प्रथम :—

“129 ड्याज/किस्त सम्बन्धी उस तिथि से तीन वर्ष बाद जब उसमें दर्ज बकाया रकमों को नये रजिस्टर में उतार लिया गया हो।”

[संख्या एक 5 (6)-उल्लू० जी० एम०/62]

ह० अस्पष्ट

मुख्य लेखाकार

भारतीय रिजर्व बैंक

केन्द्रीय कार्यालय

लेखा और व्यय विभाग, केन्द्रीय ऋण अनुभाग,
बम्बई।

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 25th March 1971

S.O. 1516.—Whereas certain draft rules further to amend the Motor Vehicles (Third Party Insurance) Rules, 1946 were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939) at pages 44 to 84 and S.O. No. 3202 of the Gazette of India, Part II Section 3—sub-section (ii), dated the 3rd October, 1970 under the notification of the Government of India in the Ministry of Shipping and Transport No. 39-TAG(11)/70, dated the 8th September, 1970 inviting objections and suggestions from all persons likely to be affected thereby, till the 15th October, 1970;

And whereas the said Gazette was made available to the public on the 13th October, 1970.

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 111 of the said Act, the Central Government here makes the following rules further to amend the Motor Vehicles (Third Party Insurance) Rules, 1946, namely:—

Rules

'The Motor Vehicles (Third Party Insurance) (Amendment) Rules, 1970.

1. These Rules may be called the Motor Vehicles (Third Party Insurance) (Amendment) Rules, 1970.

2. In the Motor Vehicles (Third Party Insurance) Rules, 1946 (hereinafter referred to as the said Rules), after rule 6, the following rules shall be inserted namely:—

"6A. Application for transfer of certificate of Insurance and policy

A person who proposes to transfer to another person the ownership of a motor vehicle together with the policy of insurance relating thereto, may apply to the insurer who has issued the certificate of insurance in respect of such vehicle in form AA set out in the Schedule to these rules for the transfer of such certificate and the policy described therein in favour of the person to whom the motor vehicle is proposed to be transferred."

3. After Form A of the Schedule to the said Rules, the following form shall be inserted, namely:—

"Form AA (See rule 6 A)

Motor Vehicles Act, 1939

Application for transfer of certificate of insurance and policy:

I/We propose to transfer the motor vehicle registered No. _____ in the name of Shri _____ (Address) _____ and I/We hereby apply in terms of section 103A of the Motor Vehicles Act, 1939 for the transfer of the certificate of insurance No. _____ and the policy relating thereto bearing No. _____ issued by you in respect of the said motor vehicle in favour of the said Shri _____ with effect from _____."

[No. 39-TAG(11)/70.]

K. C. JOSHI, Dy. Secy.

MINISTRY OF STEEL & HEAVY ENGINEERING (Iron and Steel Control)

ORDER

Calcutta, the 24th March 1971

S.O.1517—ESS.COMM/RPDE/76.—In exercise of the powers conferred on me by Notification No. S.O. 1436, dated 18-4-67, under the Essential Commodities (Regulation of Production & Distribution for purposes of export) Order, 1966, I hereby direct that the firm specified in Column 1 of the Table below shall sell the goods as specified in Column 2 there—against to the firm specified in the corresponding entry in Column 3 of the said table for purposes of manufacture of Engineering goods for export at the price indicated there—against in Column 4 subject to the conditions enumerated in Column 5 of the said table during the period April-June, 1971.

Name of the firm.	Specification of goods.	Name of the exporter.	Price.	Condition.
(1)	(2)	(3)	(4)	(5)
M/s. Hindustan Kokoku Wire Ltd., PF-10, New Delhi South Extension, Part I, New Delhi-3.	High Carbon Wires 232.00 M/T. (Two hundred and thirty two M/Tons only).	M/s. Jaipur Metals & Electricals Ltd., Near Railway Station, JAIPUR-6, Rajasthan.	At current Market rate.	Supplies should be made on Expert Priority basis (i.e. a priority next only to Defence).

*[No. PEP/2/4(211)/71.]
By Order etc.
S.S SIDHU,
Director of Export Production
& Iron & Steel Controller.

इस्पात और भारी इंजीनियरी मंत्रालय

(लोकतान्त्रिक विभाग)

आदेश

बलाहका, 24 मार्च, 1971

एस० ओ० 1517:— आवश्यक बस्तु (निर्यात के प्रयोजनों के लिये उत्पादन और वितरण का विनियमन) आदेश 1966 के अन्तर्गत अधिसूचना सं० एस० ओ० 1436 दिनांक 18 अप्रैल, 1967 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये हैं, एतद् द्वारा नीचे दिये गये तालिका के स्तम्भ 1 के फर्म को स्तम्भ 2 में उल्लेखित बस्तुओं को, स्तम्भ 3 में नामांकित फर्म को इंजीनियरी बस्तुओं के उत्पादन तथा निर्यात हेतु स्तम्भ 4 में दिये गये मूल्य पर, स्तम्भ 5 में दिए हए शर्तों पर अप्रैल-जून 1970 के अवधि में विक्रय करने का आदेश देता हूँ।

फर्म का नाम विवरण	बस्तुओं का विस्तृत निर्यातक का नाम (1)	सूत्र (2)	सामान्य मूल्य माल वा भू- जो माल के तान प्राथ- र्ड, एक-4, नई दिल्ली साउथ एक्स- टैन, पार्ट-1 नई दिल्ली ।	सामान्य मूल्य माल वा भू- मेटल्स एण्ड (दो सौ बत्तीस इंलैन्ड्रीबल्स लिमिटेड भूतान के मिलता के आधार- टन सिर्फ) रेलवे स्टेशन समय हो पर (प्रथम ऐसी के नजदीक जय- पुर-6, राजस्थान ।	शर्त (3)	सूत्र (4)	शर्त (5)
भैसर्स हिन्दुस्तन कोकोकु वायर लिमि- टेड, एक-4, नई दिल्ली साउथ एक्स- टैन, पार्ट-1 नई दिल्ली ।	हाई कार्बन वायर्स 232 टन	मैसर्स जयपुर मेटल्स एण्ड	सामान्य मूल्य माल वा भू- जो माल के तान प्राथ- र्ड, एक-4, नई दिल्ली साउथ एक्स- टैन, पार्ट-1 नई दिल्ली ।	हाई कार्बन वायर्स मैसर्स जयपुर मेटल्स एण्ड	सामान्य मूल्य माल वा भू- जो माल के तान प्राथ- र्ड, एक-4, नई दिल्ली साउथ एक्स- टैन, पार्ट-1 नई दिल्ली ।	सामान्य मूल्य माल वा भू- जो माल के तान प्राथ- र्ड, एक-4, नई दिल्ली साउथ एक्स- टैन, पार्ट-1 नई दिल्ली ।	सामान्य मूल्य माल वा भू- जो माल के तान प्राथ- र्ड, एक-4, नई दिल्ली साउथ एक्स- टैन, पार्ट-1 नई दिल्ली ।

[संख्या पी इ पी /2/4 (211)/71]

आगा से इरादि

एस० ए० सिद्धू

निर्यात उपादन निदेशक

और लोड तथा इस्पात नियंत्रक ।

MINISTRY OF EDUCATION AND SOCIAL WELFARE

New Delhi, the 30th March 1971

In the matter of the Charitable Endowments Act, 1890.

AND

In the matter of the National Foundation for Teachers' Welfare, New Delhi.

S.O. 1518.—In pursuance of paragraph 3 of Schedule 'B' to the Notification of the Government of India, in the Ministry of Education No. S.O. 1955, dated

the 25th June, 1962, as amended by Notification No. S.O. 1485, dated the 29th April, 1967, and in modification of the Notification No. S.O. 916 dated the 26th February, 1969, the appointment of Shri Siddhartha Shankar Ray, Minister of Education and Social Welfare, Government of India, as Chairman of the General Committee of the National Foundation for Teachers' Welfare, is hereby notified.

[No. F. 8-34/71-N.S.4]

T. R. JAYARAMAN, Jt. Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 9th February 1971

S.O. 1510.—In the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture) No. S.O. 3467, dated the 29th September, 1970 and published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 24th October, 1970 at pages 4875 to 4877, the following corrections are notified:—

Page 4875: The New rule 4 be inserted as under:—

"4. *Definition of Quality:*—The quality indicated by the respective grade designations and the general characteristics shall be as set out against each grade designation in Columns 2 to 6 and 7 of Schedule II, Columns 2 to 4 and 5 of Schedule III and V, Columns 2 to 5 and 6 respectively of Schedule IV and Columns 2 to 3 and 4 of Schedule VI."

(ii) For Schedules II, IV and VI the following Schedules shall be substituted:—

Page 4876: The word 'aroma' be inserted after the words "taste and" occurring in clause C in Column 6—'General characteristics' of Schedule IV.

Page 4877:—Grade designation and other particulars in respect of third Grade of Celery Seeds under Schedule VI should be read as per schedule VI attached.

SCHEDULE VI

(See Rules 3 and 4)

Grade designations and definition of quality of Celery seeds'

Grade designations	Special Characteristics	General Characteristics.	
(1)	(2)	(3)	(4)
Special*	1·0	10·0	Celery seeds shall:—
Good	3·0	10·0	(a) be the dried mature fruits of the plant botanically known as <i>Apium graveolens L.</i> ,
Fair	5·0	10·0	(b) be free from visible mould, live or dead insects, any harmful foreign matter and musty odour;
			(c) generally conform to the characteristics size, shape, colour, taste and aroma of the variety/type.

DEFINITION: "Extraneous matter" means dust, dirt, stones, earth, chaff, stalks, stems, straw or any other foreign matter.

*Note:—Special grade shall be free from rodent filth and bird and animal excreta.

[No. 13-9/70-C&M.]

K. RAJAN, Under Secy.

(Department of Community Development)

New Delhi, the 19th March 1971

S.O. 1520.—In exercise of the powers conferred by Section 3 of the Commission of Inquiry Act 1952 (60 of 1952) the Central Government hereby further extend upto 31st August, 1971, the period within which the Commission of Inquiry to look into the affairs and accounts of Bharat Sevak Samaj, appointed by the Government of India in the Department of Community Development vide Notification No. 9(2)/68-LKK, dated 21st February, 1969, shall make its report to the Central Government.

[No. L. 14012/1/71-PC.]
N. A. AGHA, Jt. Secy.

(सामुदायिक विकास विभाग)

नई दिल्ली, 19 मार्च, 1971

एस० ओ० 1520—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उस कालावधि को जिसके भीतर भारत सेवक समाज के मामलों और सेबाओं की जांच करने के लिए भारत सरकार के सामुदायिक विकास विभाग की अधिसूचना संख्या 9(2)/68-एल०के०ता०तारीख 21 फरवरी, 1969 द्वारा नियुक्त जांच आयोग अपनी रिपोर्ट केन्द्रीय सरकार को देगा, 31 अगस्त, 1971 तक और बढ़ाती है।

[संख्या एल० 14012/1/71 पी० सी०]
एन० ए० आगा, संयुक्त सचिव।

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th March 1971

S.O. 1521.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) Third Amendment Rules, 1971.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, for clause (12) the following clause shall be substituted, namely:—

"(12) in the case of orders and other instruments relating to the Ministry of Foreign Trade, by a Director, a Joint Director, or a Deputy Director in that Ministry; or"

[No. F. 3/10/70-Pub.I.]
K. R. PRABHU, Jt. Secy.

गृह मंत्रालय

नई दिल्ली, 29 मार्च, 1971

का० ओ० 1521—राज्यपति, संविधान के अनुच्छेद 77 के खण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिप्रमाणोकरण (आदेश और अन्य लिखित) नियम, 1958 में और आगे संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाते हैं, अर्थात् :—

1. (1) ये नियम अधिप्रमाणोकरण (आदेश और अन्य लिखित) तृतीय संशोधन नियम, 1971 कहे जा सकेंगे ।

(2) ये शासकीय राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. अधिप्रमाणीकरण (आदेश और अन्य लिखित) नियम, 1958 के नियम 2 में खण्ड (12) के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा अर्थात् :—

“(12) विदेश व्यापार मंत्रालय से सम्बन्धित आदेशों और अन्य लिखितों की दस्ता में उस मंत्रालय में किसी निदेशक, संयुक्त निदेशक या उपनिदेशक द्वारा; या

[संख्या फा० 3/10/70—पब्लिक-1]

के० आर० प्रभू, संयुक्त सचिव।

New Delhi, the 30th March 1971

S.O. 1522.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Senior Scientific Officer in the Police Research and Development Bureau, Ministry of Home Affairs, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Police Research and Development Bureau, Senior Scientific Officer Recruitment Rules, 1971.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule hereto annexed.

3. **Number of posts, classification and scale of pay.**—The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit, qualifications and other matters.**—The method of recruitment to the said posts, age limits, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

Provided that the maximum age limit specified in column 6 of the said Schedule in respect of direct recruits may be relaxed in the case of candidates belonging to any of Scheduled Castes or Scheduled Tribes or any other special category in accordance with the orders issued by the Central Government from time to time.

5. **Disqualifications.**—No person—

(a) who has entered into or contracted a marriage with a person having a spouse living or

(b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax.**—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons or posts.

SCHB

Recruitment rules for the post of Senior Scientific officer Grade I in the Police

Name of post	No. of Posts	Classification	Scale of Pay	Whether Post or Non-Selection post	Age for direct recruits.	Educational and other qualifications required for Direct recruits
1.	2	3	4	5	6	7
I. Senior Scientific Officer (Grade I) Weapons Branch.	3	General Central Service (Gazetted; Class I (Non-Ministrional)	Rs. 700-40- 1100- 50/-2- 1250.	Not Applicable.	40 years and below (Relaxable for Government Servants)	<i>Essential :</i> (i) Master's degree in applied Physics or a Degree in Chemical /Mechanical Engineering of a recognised University or equivalent. (ii) About 5 years experience in the field of designing weapons or manufacture of tear gas Devices/ explosives or fire arms or ammunitions. Qualifications relaxable at Commissions discretion in cases of candidates otherwise well qualified).
Desirable :						Experience of Developmental Work in field of the tear gas or weaponry or explosives.
II. Senior Scientific Officer (Grade I) Traffic and Transport Branch.	3	General Central Service (Gazetted; Class I (Non-Ministrional)	Rs. 700-40- 1100- 50/-2- 1250.	Not Applicable.	40 years and below (Relaxable for Govt. Servants)	<i>Essential :</i> (i) A Degree in Mechanical or Automobile or Electronic engineering of recognised University or equivalent. (ii) About 5 years experience in maintenance of traffic control equipment or of maintenance

DULE

Research and Development Bureau, Ministry of Home Affairs.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees.	Period of probation, whether by direct rectt. or by promotion or by deputation/ transfer & percentage of the vacancies to be filled by various methods.	Method of rectt. In case of rectt. by promotion/deputation/ exists, transfer, grade from what is which promotion/ its com-deputation/transfer/ to position. be made.	If a D.P.C. Circumstances in which U.P.S.C. is to be consulted in making rectt.
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	8	9	10	II	12	13
Not applicable	2 years.	By transfer or deputation including short-term contract failing which by direct recruitment.	<i>Transfer or deputation (including short-term contract).</i>	Junior Class I Officers in the scale of Rs. 400—950 or equivalent with 5 years service as such and class II Officers in the scale of Rs. 350—900 or equivalent with 7 years service as such and having experience in the design of Weapons or manufacture of tear gas devices or explosives or fire arms or ammunitions from the Central Government, State Governments, Public Undertakings, Recognised Research Laboratories. (Period of deputation or contract—Ordinarily not exceeding 3 years.)	Not applicable	As required under the U.P.S.C. (Exemption from Consultation) Regulations, 1958.
Not applicable.	2 years	By transfer or deputation including short term contract— failing which by direct recruitment.	<i>Transfer or deputation (including short-term contract).</i>	Junior Class I Officers in the scale of Rs. 400—950 or equivalent with 5 years service as such and Class II officers in the scale of Rs. 350—900 or equivalent with 7 years	Not applicable	As required under the U.P.S.C. (Exemption from Consultation) Regulations, 1958.

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work in automobile workshop or in the field of instrumentation.

(Qualifications relaxable at Commissions discretion in case of candidates otherwise well qualified).

Desirable :

(i) Experience of developmental work.

(ii) Familiarity with police work.

Essential :

3. Senior Scientific Officer (Grade I) Computer Branch.	Rs.	3 General Central Service Class I (Gazetted) (Non- Ministrial)	700—40— 1100— 50/2— 1250.	Not Applicable.	40 years and below (Relaxable for Govern- ment Servants).	(i) Master's degree in Statistics or Eco- nomics Mathematics (with Statistics) or Physics or a degree in Electrical /Mech- anical Engineering of a recognised Univer- sity or equivalent. (ii) About 5 years experience in com- puter program- ming. (Qualifications relax- able at Commission discretion in case of candidates other- wise well qualified).

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service as such and having experience in the maintenance of traffic control equipment or of maintenance work in an automobile workshop or in the field of instrumentation from the Central Government of State Governments, Public Undertakings, Recognised Research Laboratories.

(Period of deputation or contract-ordinarily not exceeding 3 years).

Not applic-
able.

2 years

By transfer or deputation including short-term contract, failing which by direct recruitment.

Transfer or deputation including short-term contract.

Junior Class I Officers in the scale of Rs. 400—950 or equivalent with 5 years a service as such and Class II Officers in the scale of Rs. 350—900 or equivalent with 7 years service as such and having experience in computer programming from the Central Government or State Governments, Public Undertakings, Recognised Research Laboratories.

(Period of deputation or contract-ordinarily not exceeding 3 years).

Not applic-
able.

As required under the U.P.S.C.
(Exemption from Consultation)
Regulations.

1958.

[No. 53/1/70-Pers. I.]

K. THYAGARAJAN, Dy. Secy.

नई दिल्ली, 30 मार्च, 1971

का० भा० 1522.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुलिस अनुसंधान और विकास ब्यूरो, गृह मंत्रालय में ज्येष्ठ वैज्ञानिक अधिकारी के पदों पर भर्ती की पद्धति को विनियमित करने वाले, निम्नलिखित नियम एतदद्वारा बनाते हैं, अर्थात्:—

1. संभिष्ट नाम और प्राप्तम्.—(1) ये नियम पुलिस अनुसंधान और विकास ब्यूरो, ज्येष्ठ वैज्ञानिक अधिकारी भर्ती नियम, 1971 कहे जा सकेंगे।

(2) ये शासकीय राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. लागू होना.—ये नियम इससे उपराद्धअनुसूची के स्तम्भ 1 में विनिर्दिष्ट पदों को लागू होंगे।

3. पव संश्या, वर्गीकरण और वेतन रात.—पदों की संख्या, उनका वर्गीकरण और उनसे संलग्न वेतनमान वे होंगे जो उक्त अनुसूची के स्तम्भ 2 से 4 तक में विनिर्दिष्ट हैं।

4. भर्ती की पद्धति, आयु-सीमा, पर्हताएं और दूर्घट्य बातें.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमाएं, पर्हताएं और उनसे सम्बन्धित अन्य बातें वे होंगी जो उक्त अनुसूची के स्तम्भ 5 से 13 तक में विनिर्दिष्ट हैं :

परन्तु उक्त अनुसूची के स्तम्भ 6 में सीधे भर्ती किए जाने वाले व्यक्तियों की बाबत विनिर्दिष्ट अधिकतम आयु-सीमा, केन्द्रीय सरकार द्वारा समय-समय पर निकाले गए आदेशों के अनुसार, किसी भी अनुसूचित जाति या अनुसूचित जन जाति या किसी अन्य विशेष प्रवर्ग के अधिकारियों के सम्बन्ध में शिथिल की जा सकेगी।

5. निरहृताएं.—वह व्यक्ति:—

(क) जिसने ऐसे, व्यक्ति से, जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए, किसी व्यक्ति से विवाह किया है, उक्त पदों में से किसी पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाए कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुशेय है और ऐसा करने के लिए अन्य आधार, मौजद हैं, तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

6. शिथिल करने की शक्ति : जहां केन्द्रीय सरकार की राय हो कि ऐसा करना आवश्यक या समीचीन है वहां वह, उसके लिए जो कारण हैं उन्हें लिपि बद्ध करके तथा संघ लोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबन्ध को, किसी वर्ग या प्रवर्ग के व्यक्तियों या पदों की भाषत, आदेश द्वारा, शिथिल कर सकेगी ।

अनुसूची

पुलिस अनुसंधान और विकास ब्युरो, गृह मंत्रालय में जेप्ट वैज्ञानिक अधिकारी, के पद के लिए भर्ती नियम ।

पद का नाम ।	पदों की संख्या	वर्गीकरण	वेतनमान	चयन पद पद	सीधे भर्ती किए गये अधिकारी के लिए
1	2	3	4	5	6
1 जेप्ट वैज्ञानिक अधिकारी (थेणी) १) अस्त्र शाखा	3	माध्यरण केन्द्रीय सेवा वर्ग 1 (राज पत्रित) (अनु- सचिवीय)	700-40- 1100-50/ 2-1250 रुपए	लागू नहीं होता ।	40 वर्ष और उस से कम (सरकारी सेवकों के लिए शिथिल की जा सकती है)

सीधे मार्ग किए जाने वाले व्यक्तियों के लिए शेषिया और अन्य अर्हताएँ	क्या सीधी भर्ती किए जाने वाले व्यक्तियों के लिए । विहित आयु और शैक्षिक अर्हताएँ प्रोलति की दशा में लागू होंगी या नहीं ।	परिवीक्षा की कालावधि वदि कोई हो	भर्ती की पद्धति, भर्ती सीधे होगी या प्रोलति द्वारा या प्रतिनियुक्ति/ स्थानान्तरण द्वारा तथा विभिन्न पद्धतियों द्वारा भरी जाने वाली रिक्तियों की प्रतिशतता ।
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आवश्यक :—	लागू नहीं होता	2 वर्ष	स्थानान्तरण या प्रति- नियुक्ति द्वारा जिसके अन्तर्गत अल्पकालिक संविदा भी है, और जिसके न हो सकने पर सीधी भर्ती द्वारा ।
7	8	9	
(i) मान्यता प्राप्त विश्वविद्यालय की अन्तर्यामीक भौतिकी में मास्टर की उपाधि या रसायन या यांत्रिक इंजी- नियरी में उपाधि या उसके समतुल्य (ii) अस्त्रों की डिजाइन तैयार करने या अशुरू-गैस युक्तियों या विस्फोटकों या अम्न्याय घोला वारदों के विनिर्माण के क्षेत्र में पांच वर्ष का अनुभव । (अन्यथा सुग्रहित अधिकारी की दशा में अर्हताएँ आयोग के विवेकानुसार शिथिल की जा सकेगी ।	लागू नहीं होता	2 वर्ष	स्थानान्तरण या प्रति- नियुक्ति द्वारा जिसके अन्तर्गत अल्पकालिक संविदा भी है, और जिसके न हो सकने पर सीधी भर्ती द्वारा ।
बांधनीय :— श्रु-गैस या अस्त्रों या विस्फोटकों के क्षेत्र में विकास सम्बन्धी काम का अनुभव			

प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण द्वारा भर्ती ही
दशा में वे ब्रेगियां जिसे त्रोन्नति/प्रतिनियुक्ति'
स्थानान्तरण किया जाएगा

यदि विभागीय भर्ती करने के किन परि-
प्रोन्नति समिति है स्थितियों में संघ लोक सेवा
तो उससी संरचना आयोग से परामर्श किया
जाएगा

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स्थानान्तरण या प्रतिनियुक्ति
(जिसके अन्तर्गत अल्पकालिक संविदा भी है)
400—950 रुपये के वेतनमान में कनिष्ठ वर्ग-1
के अधिकारी या उनके समतुल्य, जो इस रूप में
पांच वर्ष तक सेवा कर चुके हों और 350—900
रुपए के वेतनमान में वर्ग 2 के अधिकारी या उन
के समतुल्य जो इस रूप में साल वर्ष तक सेवा
कर चुके हों और जिन्हें केन्द्रीय सरकार या राज्य
सरकारों, लोक उपकरणों या मान्यताप्राप्त
अनुसंधान प्रयोगशालाओं से अस्त्रों की डिजाइन
तैयार करने या अश्रु गैस युक्तियों या विस्फोटकों
या अन्यायुधों या गोला बारूद के त्रिनिर्माण का
अनुभव हो।
(प्रतिनियुक्ति या संविदा की अवधि सामान्यतः
3 वर्ष से अधिक नहीं होगी)

लागू नहीं होता

जैसा संघ लोक सेवा आयोग
(परामर्श से छूट) विनियम
1958 के अधीन अपेक्षित
है।

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2. उपेष्ट वैज्ञानिक अधिकारी (श्रीं 1) यातायात और परिवहन शाखा।	3	—	—	—	—
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7	8	9	10
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2. प्राकृतिक

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| (i) मान्यता प्राप्त विश्वविद्यालय की लागू नहीं होता
यांत्रिक या मोटरगाड़ी या इलैक्ट्रोनिक
इंजीनियरी में उपाधि या उसके
समतुल्य। | 2 वर्ष | स्थानान्तरण या प्रति-
नियुक्ति द्वारा जिसके
प्रत्यर्गत अल्पकालिक
संविदा भी हैं और
जिसके न हो सकने
पर सीधी भर्ती द्वारा |
| (ii) यातायात नियंत्रण सम्बन्धी उप-
स्कर बनाए रखने का या मोटरगाड़ी
कर्मशाला में देख रेख के काम का
या साधारण विनियोग (इन्स्ट्रूमेंटेशन)
के क्षेत्र में लगभग पांच वर्ष का
अनुभव। (अन्यथा सुअर्हित अभ्यर्थियों
की दशा में अर्हतात् आयोग के विवेका-
नुसार शिथिल की जा सकेगी) | — | — |

बाल्कनीय

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|---|---|---|
| (i) विकास सम्बन्धी काम का अनुभव
(ii) पुलिस कार्य से सुपरिचित होना। | — | — |
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2. स्थानान्तरण या प्रतिनियुक्ति
 (जिसके अन्तर्गत अल्पकालिक संविदा भी है)
 400—950 रुपये के वेतनमान में कनिष्ठ वर्ग-1
 के अधिकारी या उनके समतुल्य, जो इस रूप में
 पांच वर्ष तक सेवा कर चके हों और 350—900
 रुपए के वेतनमान में वर्ग 2 के अधिकारी या
 उनके समतुल्य, जो इस रूप में सात वर्ष तक
 सेवा कर चुके हों और जिन्हें केन्द्रीय सरकार या
 राज्य सरकारों, लोक उपकरणों या मान्यताप्राप्त
 अनुसंधान प्रयोगशालाओं से यातायात सम्बन्धी
 उपस्कर भनाए रखने का या भोटरगाड़ी कर्म-
 शाला में देखरेख के काम का या साधन विनियोग
 (इस्ट्रूमेन्टेशन) के क्षेत्र में अनुभव हो।
 (प्रतिनियुक्त या संविदा की अवधि सामान्यतः
 3 वर्ष से अधिक नहीं होगी।)
- लागू नहीं होता असा संघ लोक सेवा आयोग
 (परामर्श से छूट) विनियम
 1958 के अधीन अपेक्षित
 है।

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3 जेट वैज्ञानिक
अधिकारी (श्रेणी 1)
कम्प्यूटर शाखा

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3. आवधक

लागू नहीं होता

2 वर्ष

स्थानान्तरण या प्रति-
नियुक्ति द्वारा जिसके
प्रत्यर्गत अस्पष्टकालिक
संबंध भी है और
जिसके न हो सकने
पर सीधी भर्ती द्वारा

- (i) मान्यता प्राप्त विश्वविद्यालय की
सांख्यिकी या अर्थशास्त्र या गणित
(सांख्यिकी सहित) या भौतिकी में
मास्टर की उपाधि या वैद्युत या
यांत्रिक इंजीनियरी में उपाधि या
उसके समतुल्य ।
- (ii) कम्प्यूटर प्रोग्रामिंग में लगभग
एक वर्ष का प्रत्युभव ।
(अन्यथा सुअंग्रहित अस्पष्टियों की दण्ड
में अहंताएं आयोग के विवेकानुसार
शिथिल की जा सकेंगी)

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स्थानान्तरण या प्रतिनियुक्ति	लागू नहीं होता	जैसा संघ लोक सेवा आयोग (परामर्श से छूट)
जिसके अन्तर्गत अल्पक लिख संविदा (भी है) 400—950 रुपए के बेतनमान में कनिष्ठ वर्ग 1 के अधिकारी या उनके समतुल्य, जो इस रूप में पांच वर्ष तक सेवा कर चके हों और 350— 900 रुपए के बेतनमान में वर्ग 2 के अधिकारी या उनके समतुल्य, जो इस रूप में सात वर्ष तक सेवा कर चुके हों और जिन्हें केन्द्रीय सरकार या राज्य सरकारों, लोक उपकरणों या मान्यताप्राप्त अनुसंदान प्रयोगशालाओं से कम्प्यूटर प्रोग्रामिंग में अनुभव हो । (प्रतिनियुक्ति या संविदा की अवधि सामान्यतः । 3 वर्ष से अधिक नहीं होगी)	विनियम 1958 के प्रधीन अपेक्षित है	

[संख्या 53/1/70-कार्मिक-1]

केंद्र ल्यागराजन, उप सचिव ।

New Delhi, the 30th March 1971

S.O. 1523.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrators (whether known as Lieutenant Governors Chief Commissioner or Administrator) of the Union Territories of Delhi, Manipur, Tripura, the Andaman and Nicobar Islands, the Laccadive Minicoy and Amindivi Islands, Dadra and Nagar Haveli, Goa, Daman and Diu, Pondicherry and Chandigarh, shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the State Government under the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) within their respective Union territories.

[No. F. 2/271-UTL.]

M. R. SACHDEVA, Under Secy.

नई दिल्ली, 30 मार्च, 1971

का० आ० 1523.—संविधान के अनुच्छेद 239 के खण्ड (1) के अनुसरण में, राष्ट्रपति एतद-द्वारा निर्देश देते हैं कि दिल्ली, मनिपुर, लिपुरा, अंडमान और निकोबार द्वीपसमूह, लक्ष्मीनाथ, मिनिकोय और अमोनदीवी द्वीप समूह, दावरा और नागर हवेली, गोवा, दमण और दीव, पांडिचेरी और चंडीगढ़ संघ राज्यक्षेत्रों के प्रशासक (चाहे वे उपराज्यपाल, मुख्य आयुक्त या प्रशासक कहलाते हों) राष्ट्रपति के नियन्त्रणाधीन और आगे आदेश होने तक अपने-अपने संघ राज्यक्षेत्रों के भीतर संविद श्रमिक (विनियमन और उत्साव) अधिनियम, 1970 (1970 का 37) के अधीन राज्य सरकार की शक्तियों का प्रयोग और कृत्यों का पालन करेंगे।

[स० एफ० 2/2/71-पूटी०एल]

एम० धार० सचेता, अमर सचिव।

New Delhi, the 31st March 1971

S.O. 1524.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, regulating the method of recruitment to the post of Director, Police Telecommunications and Inspector General (Communications), Border Security Force, Ministry of Home Affairs, namely:—

1. Short title and commencement.—(1) These rules may be called the Director Police Tele-Communications and Inspector General (Communications) Border Security Force Recruitment Rules, 1971.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Number, Classification and scale of pay.—The number of the post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule hereto annexed.

3. Method of recruitment, age limit, qualifications etc.—The method of recruitment to the said post, the age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 11 of the said Schedule:

Provided that the maximum age limit specified in column 6 of the said Schedule in respect of direct recruits may be relaxed in the case of candidates belonging to any of the Scheduled Castes or Scheduled Tribes or any other special category, in accordance with the orders issued by the Central Government from time to time.

4. Disqualifications.—No person:—

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax.—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Union Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons.

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Recruitment rules for the Post of Director Police Tele-Communications and Inspector General (Communications)

Name of Post	No. of posts	Classification	Scale of Pay	Whether Selection post or non-Selection post	Age for direct recruits	Educational and other qualifications required for direct recruitment
1	2	3	4	5	6	7
Director, Director, Police Telecommunications and Inspector General (Communications)	1	General Central Service Class I Gazetted	Rs. 2500-125-3000. for an Officer of the Indian Police of the rank of Inspector General Rs. 2500-125/2-2750 for others.	Not applicable	Preferably below 50 years	<p><i>Essential</i></p> <p>(i) Degree in Tele-Communication Engineering of a recognised University or equivalent ; OR</p> <p>(ii) Degree of a recognised University in Electrical Engineering with Radio Communication as special subject or equivalent.</p>
						OR
						<p>Master's degree in Physics from recognised University or equivalent with wireless as a special subjects.</p> <p>(iii) About 15 years experience in a responsible position in a Radio Tele-Communication Organisation of which about 8 years must be in a position of superior technical and administrative responsibilities.</p> <p>(Qualifications relaxable at Union Public Service Commission's discretion in case of candidates otherwise well qualified).</p>

SCHEDULE

actions) *Border Security Force, Ministry of Home Affairs.*

Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any.	Method of rectt. whether by direct rectt. or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of rectt. by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, what is to its composition	Circumstances in which U.P.S.C. is to be consulted in making rectt.
8	9	10	11	12	13
Not applicable	2 years	Transfer on deputation failing which by direct recruitment.	<i>Transfer on Deputation</i> (i) Indian Police/ Indian Police Service Officers of the rank of Inspector General, or D.I.G. with at least 4 years service as such, and having experience in Telecommunications work. (ii) Non-Indian Police/ Indian Police Service officers holding posts equivalent to D.I.G. with 4 years service in the grade and having experience of telecommunications work. (iii) Army officers of the rank of Maj. Gen., or Brigadier who have been approved for promotion as Maj. Genl., and having experience in telecommunications work. (Period of deputation ordinarily not exceeding 5 years).	Not applicable	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

नई दिल्ली, 31 मार्च, 1971

फा० अ० १५२४।—राष्ट्रपति, संविग्रह के अनुच्छेद ३०९ के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निवेशक, उलिस दूर-संचार और महानिरीक्षक (संचार) सीमा सुरक्षा बल, गृह मंत्रालय के पद पर भर्ती की पद्धति को विनियमित करने वाले निम्नलिखित नियम एतद्वारा बनाते हैं, अर्थात्:—

१. संक्षिप्त नाम और प्रारम्भ (१) ये नियम निवेशक पुनिस दूर-संचार और महानिरीक्षक (संचार) सीमा सुरक्षा बल भर्ती नियम, १९७१ कहे जा सकेंगे।

(२) ये शासकीय राजपत्र में प्रकाशन की तारीख को प्रबूत होंगे।

२. संख्या, वर्गीकरण और वेतननाम पद की संख्या, उसका वर्गीकरण और उससे संबंध वेतनमान वे होंगे जो इससे उपावद्ध अनुसूची के स्तंभ २ से ४ तक में विनिर्दिष्ट हैं।

३. भर्ती की चक्रति, आयु-सीमा, अर्हताएँ आदि: उक्तपद पर भर्ती की पद्धति, आयु-सीमा अर्हताएँ और उससे संबंधित अन्य बात वे होंगी जो उक्त अनुसूची के स्तंभ ५ से ११ तक में विनिर्दिष्ट हैं:

परन्तु उक्त अनुसूची के स्तंभ ६ में सीधे भर्ती किए जाने वाले व्यक्तियों की बाबत विनिर्दिष्ट अधिकतम आयु-सीमा केन्द्रीय सरकार द्वारा समय समय पर निकाले ए आदेशों के अनुसार किसी भी अनुसूचित जाति या अनुसूचित जनजाति या किसी अन्य विशेष प्रवर्ग के अधर्याधियों के संबंध में शिथिल की जा सकेगी।

४. मिरहंताएँ:—वह व्यक्ति—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है:—
या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है:—

सेवा में नियुक्ति का पाल नहीं होगा:

परन्तु यदि केन्द्रीय सरकार का समाधान हो जाए कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञय है और ऐसा करने के लिए अन्य आधार मौजूद हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छठ दे सकेगी।

5. शिथिल करने ही शक्ति.—जहाँ केन्द्रीय सरकार की राय हो कि ऐसा करना आवश्यक या समीचीन है वहाँ वह, उसके लिए जो कारण है उन्हें सिपिबद्ध करके तथा संबंधित सेवा प्राप्तेग से परामर्श करके, इन नियमों के किसी उपवन्ध को, किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, भारतेश द्वारा शिथिल कर सकेगी।

अनु

निदेशक, पुलिस दूरसंचार और महानिरीक्षक (संचार) सीमा, सुरक्षा बल, गृह मंत्रालय

पद का नाम पदों की सं०	वर्गीकरण	बेतनमात्रा	जयन पद अथवा अध्ययन पद	सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आय	6
1	2	3	4	5	6
निदेशक पुलिस दूरसंचार और महानिरीक्षक (संचार) ।	1 साधारण केन्द्रीय सेवा वर्ग I राजपत्रित ।	महानिरीक्षक की पंक्ति के भारतीय पुलिस के अधिकारी के लिए राजपत्रित ।	लागू नहीं होता । अधिमानतः 50 वर्ष से कम । 2500-125-3000 रु० अन्य के लिए 2500-125/2- 2750रु० ।	अधिमानतः 50 वर्ष से कम ।	

सीधे भर्ती किए जाने वाले व्यक्तियों के लिए
शैक्षिक और अन्य अर्हताएंसीधे भर्ती किए जाने वाले
व्यक्तियों के लिए विहित आय
और शैक्षिक अर्हताएं प्रोन्नतों
की दशा में लागू होगी या नहींपरिवीक्षा की
कालावधि यदि
कोई हो

अधिक : किसी मान्यता प्राप्त विश्वविद्यालय से लागू नहीं होता ।

2 वर्ष

पूर संचार इंजीनियरी में उपाधि या समतुल्य ; या

(ii) किसी मान्यता प्राप्त विश्वविद्यालय से
विशेष विषय के रूप में रेडियो संचार सहित
विद्युत इंजीनियरी में उपाधि या समतुल्य,
(या) ।किसी मान्यता प्राप्त विश्वविद्यालय से भौतिकी
में मास्टर की उपाधि या विशेष विषय वायरलैस
सहित समतुल्य ।(iii) रेडियो दूरसंचार संगठन में किसी उत्तर-
दायी पद पर लगभग 15 वर्षों का अनुभव अवश्य
होमा चाहिए, जिसमें से वरिष्ठ तकनीकी और
प्रशासनिक उत्तरवायित्व के पद पर लगभग
8 वर्षों का अनुभव होना चाहिए ।
(अन्य या सुप्राहित अध्ययित्यों की दशा में अर्हताएं
आयोग के विवेकानुसार शिथिल की जा सकेंगी) ।

8

9

सूचि

के पद के लिए भर्ती नियम

भर्ती की पद्धति/भर्ती सीधे होगी या प्रोन्नति द्वारा या प्रतिनियुक्ति/स्थानान्तरण द्वारा कथा विभिन्न पद्धतियों द्वारा भरी जाने वाली रिक्तियों का प्रतिशत

प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण द्वारा भर्ती के दशा में वे श्रेणियां जिनसे प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण किया जाएगा

यदि विभागी प्रोन्नति समिति है तो उसकी संरचना भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा

10

11

12

13

प्रतिनियुक्ति पर स्थानान्तरण द्वारा जिसके न हो सकने पर सीधी भर्ती द्वारा।

प्रतिनियुक्ति पर स्थानान्तरण (i) महानिरीक्षक की पंक्ति के या उस हैसियत में कम से कम 4 वर्षों की सेवा सहित उप महानिरीक्षक के पद के भारतीय पुलिस/भारतीय पुलिस सेवा के अधिकारी जिन्हें दूर संचार कार्य में अनुभव हो।

(ii) इतर भारतीय पुलिस/भारतीय पुलिस सेवा के अधिकारी जो उप महानिरीक्षक के समतुल्य पद धारण करते हों तथा जिन्होंने उस श्रेणी में 4 वर्ष तक सेवा की हो और जिन्हें दूर संचार कार्य का अनुभव हो। (प्रतिनियुक्ति की अवधि सामान्यतः 5 वर्ष से अधिक नहीं होगी)।

(iii) मेजर जनरल की पंक्ति के सेना अधिकारी या डिगेडियर की पंक्ति के वे सेना अधिकारी जो मेजर जनरल के रूप में प्रोन्नति के लिए अनुमोदित किए जा चुके हैं और जिन्हें दूर संचार कार्य में अनुभव हो।

लागू नहीं: लागू नहीं: संघ लोक सेवा होता। आयोग (परामर्श से छूट) विनियम, 1958 के अधीन यथा अपेक्षित।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 27th March 1971

S.O. 1525.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the National and Grindlays Bank Limited and their workmen, which was received by the Central Government on the 23rd March, 1971.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE NO. 66 OF 1970

PARTIES:

Employers in relation to the National and Grindlays Bank Ltd.

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Mr. M. S. Bala.

On behalf of Workmen—Mr. A. D. Singh.

STATE: West Bengal.

INDUSTRY: Banking.

AWARD

By Order No. 23/113/70-LR.III, dated December 10, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the National and Grindlays Bank Limited and their workmen, to this Tribunal, for adjudication, namely:—

"Whether the action of the management of the National and Grindlays Bank Limited, Calcutta, in withdrawing, with effect from the 9th January, 1970, the customary concession of treating the period of absence as on duty in respect of those workmen who, as office-bearers of the National and Grindlays Bank Staff Union, represent its case in proceedings under the Industrial Disputes Act, is justified? If not, to what relief are the workmen entitled?"

2. There are two trade unions operating in National and Grindlays Bank Limited, Calcutta, namely, National and Grindlays Bank Employees Union and National and Grindlays Bank Staff Union (hereinafter referred to, for the sake of brevity, respectively as the 'Employees Union' and the 'Staff Union'). The present dispute is between the employers and the Staff Union.

3. The case pleaded in the written statement filed by the workmen, represented by the Staff Union, was that the Staff Union came into existence in 1965 and became a registered trade union in the month of June, 1966. Since the formation, it was alleged, this new trade union was disliked by the management and that its rival trade union, namely, the Employees union, tried "to nip this union in the bud and the management fully supported them". In paragraph 2 of the written statement, it was further pleaded that the management began to discriminate between the members of the staff union and the members of the Employees Union, their favourites, in the matter of grant of loan, privilege leave, cheap canteen, etc., in spite of dedicated service put in by the members of the Staff union. In paragraphs 3 and 4 of the written statement, it was pleaded:

"3. That the members of this union since been facing allround onslaught launched by the management as well as by its patronised union (and?) tried its best to protect the right of its members through constitutional methods. This union raised various disputes with some success here and there and hence the management, at the instigation of the said rival union, began to treat the general secretary of this union on leave on the days he attended the conciliation proceedings and Industrial Tribunals, with effect from 9th January, 1970.

4. That since the very inception of this union, its general secretary enjoyed a customary concession of being treated as duty on leave when he attended conciliation proceedings and Industrial Tribunal. This concession continued till December, 1969 and the management all of a sudden withdrew this facility, without any information whatsoever, or without assigning any reason for it."

It was alleged, in the written statement, that the withdrawal of the customary concession was made with the clear motive to curb the activities of the Staff Union and to lower its prestige amongst the employees in Calcutta. The action of the management was all the more worse, it was pleaded, because the General Secretary of the Employees Union was kept free to carry on his trade union activities during office hours, without objection from the management. Similarly, other office-bearers of the Employees Union were also free, after 2 P.M. for their union activities. In paragraph 7 of the written statement, further particulars of discrimination practised in favour of another trade union called All India National and Grindlays Bank Employees Federation was alleged in the following language:—

- "7. That the General Secretary of the All India National and Grindlays Bank Employees Federation, a rival to this union, Sri R. Sadasivan of the Madras Branch, Shri Rajendra Sayal of Delhi Branch of the Bank and others have been sanctioned travelling and halting allowance, when they attended conciliation proceedings in Calcutta. Their absence from the respective branches has been treated as duty on leave along with Sarvashri A. K. Banerjee, Manoj Kumar Bose and Sambhu Nath Banerjee of different branches in Calcutta."

In the aforesaid circumstances, prayers were made for declaration that the withdrawal, with effect from January 9, 1970, of the customary concession of treating the period of absence as on duty in respect of those workmen who, as office-bearers of the Staff Union, represented cases in proceedings under the Industrial Disputes Act, as unjustified and for direction upon the management to restore all casual and privilege leave deducted from the leave account of Sri A. D. Singh, General Secretary of the Staff Union.

4. The management filed an exceedingly cryptic written statement at first. In paragraphs 2 and 3 of the said written statement there were two preliminary objections taken to the effect, (a) that the dispute was not an industrial dispute but an individual dispute, as the trade union had no representative character and (b) the dispute was not an industrial dispute as defined under the Industrial Disputes Act, as it was not connected with the employment or non-employment or the terms of employment or the condition of labour of any person. In paragraphs 5 and 6 of the written statement, two grounds were taken on merits, namely, that the management was under no obligation to grant special leave to the workmen for attending proceedings under the Industrial Disputes Act and that there could be no customary concession of treating a period of absence as on duty in respect of those workmen, who claimed to be office-bearers of the Staff Union, to represent themselves at proceedings under the Industrial Disputes Act.

5. Subsequently the management filed a rejoinder. In paragraph 3 of the said rejoinder it was stated:

"It is admitted that the General Secretary of this Union was advised that from 9th January, 1970 he would be granted leave if he applied for the same, to enable him to appear at Conciliation Proceedings/Tribunal Proceedings."

In paragraph 4 of the rejoinder, the reason behind the order, dated January 9, 1970, was pleaded in the following language:—

"There was no 'customary concession' as alleged. For sometime past other members of the clerical staff have been objecting to Mr. Singh leaving his work unattended on going out of the office and one of them having to do his work. This objection gathered momentum and resulted in other members of the clerical staff of the Branch refusing to do his work, if he was granted permission to leave the office during working hours. They also threatened to stop work. In the Brabourne Road branch where Mr. A. D. Singh, Secretary of the applicant Union, works as a clerk, no other member of the clerical staff was a member of the Staff Union. The Management therefore decided that if Mr. Singh wanted to leave the office he should apply for leave."

In paragraph 7 of the said rejoinder it was stated:

"This 'Union' cannot be compared to the All Indian National and Grindlays Bank Employees' Federation in that this Union has only a small number of workmen of the Bank as its members. It is admitted that the office bearers of the Federation were granted travelling and halting allowance for attending conciliation proceedings."

6. I need first of all deal with some of the preliminary objections raised by Mr. Bala, on behalf of the management. It is not disputed that the total number of workmen in all the Calcutta Branches of National and Grindlays Bank Limited is 1670. Radheshyam Tripathi, who is the Assistant Secretary of the Staff Union, admitted, in answer to a question put by the Tribunal, that the total number of membership of the Staff Union would be about 40 to 45. In course of his cross-examination he further said:

"The members of the Staff Union are mostly employees in Calcutta. In Brabourne Road branch of the Bank, there are two members of the Staff union, namely Balaram Singh and Amardeo Singh. In Chowinghee branch, there are about 20 to 25 members. In the following branches of the Bank, there is no member of the Staff Union, namely, Vivekananda Road branch, Entally branch, Jodepur branch, 31 Chowringhee branch, Maniktala branch and a few more, I do not remember."

On behalf of the management, K. Rama Prasad, the Accountant at No. 41 Chowinghee branch of the Bank, was examined as a witness. He stated in course of his examination-in-chief:

"99 per cent of the employees of National and Grindlays Bank Limited belongs to the trade Union called Employees' Union. The Employees' Union is affiliated to All India National and Grindlays Bank Employees' Federation, which Federation controls about 99 per cent of the employees."

Thus, on the evidence there is no dispute that the Staff Union does not have control over the majority of the workmen. Now, in deciding the preliminary objection raised by Mr. Bala that the dispute should not be treated as an industrial dispute because the Staff Union have no representative character, I need bear in mind a further fact that there is no case pleaded by the management that the Staff Union was an unrecognised trade union. Be that as it may, the law is, if a substantial number of the persons, who raised an industrial dispute, were members of a trade union, on the date of the dispute, such union is competent to represent them. Now, question is whether those who are members of the Staff Union represent a substantial number. The expression 'substantial' does not necessarily indicate majority in number. Now, a total of 40 or 45 is not ephemeral but certainly substantial. I do not, therefore, think that the espousal of the cause of the workmen by the Staff Union in any way disentitles the dispute from becoming an industrial dispute, within the meaning of the Industrial Disputes Act.

7. The next branch of the preliminary objection raised by Mr. Bala, was that the dispute, by nature, was such that it did not fall within Section 2(k) of the Industrial Disputes Act. In elaboration, he pointed out that the refusal of the management to treat a person as on duty, when actually absent in connection with trade union activities, did not amount to a dispute connected with the employment or non-employment or the terms of employment or the conditions of labour of any person. The argument is attractive but must be discarded on ultimate analysis. The workmen were claiming the privilege of being treated as an office duty during the period of absence on trade union duty, on the basis of customary concession throughout enjoyed. There is no reason why this cannot *per se* be treated as a term of employment or as a condition of labour, although on evidence the claim may not be ultimately established. I therefore over-rule also this branch of the preliminary objection urged by Mr. Bala.

8. I need notice, in this context, another aspect of this argument somewhat faintly argued by Mr. Bala. He contended that the man concerned in the dispute was a single man of the name of A. D. Singh, the General Secretary of the Staff Union. Therefore, it was an individual dispute of a workman with the management. Section 2A of the Industrial Disputes Act would not elevate the individual dispute into an industrial dispute, because there was no question of discharge, dismissal, retrenchment or termination of service otherwise of an individual workman involved in the instant dispute. In his argument Mr. Bala is not right. Assuming for the sake of argument that this was an individual dispute, that individual dispute was adopted by the Staff Union, representing a number of workmen, and

was glorified into an industrial dispute, I, therefore, do not uphold this branch of the argument of Mr. Bala as well.

9. Mr. Bala next argued that by no stretch of imagination the grant of privilege of being treated on office-duty when actually engaged in trade union duties, can be treated as a customary concession. In this contest, he invited my attention to a decision of the Labour Appellate Tribunal, Bombay, per Sri R. C. Mitter (President) and Sri F. Jeejeebhoy in *Shrinagar Mills Co. Ltd., Ahmedabad vs. The Textile Labour Association, Ahmedabad* (1952-53) 4 Indian Factories Journal, 117, in which the learned Appellate Tribunal observed, "It is obvious that the term 'customary concession' does not mean a concession which has existed from time immemorial, but is intended in the context of industrial relations to convey the idea of an amenity or advantage which has been consistently enjoyed by the employees for a sufficient duration to justify the view that it has become part of his emoluments. To construe it otherwise would lead to an absurdity". Mr. Bala contended that the privilege of being treated on office duty when actually absent on trade union duty could not be said to form part of a workman's emolument and therefore there could not be question of customary concession imported in respect of such privilege. I am not impressed by this argument of Mr. Bala. A case is an authority for what it decides. It may not always be safe to import the analogy of a decision much further field. In the context of the pronouncement by the Labour Appellate Tribunal had been made, the pronouncement may be unexceptional. In the instant case, however, the withdrawal of the privilege may have reflected on the wages of the concerned workman or workmen. Bank employees do not enjoy indefinite and unlimited period of leave. The quantum of leave, enjoyed by Bank employees, is indicated in Chapter IX (page 218 onwards) of the Desai Award. By being compelled to take leave whenever called upon to attend Conciliation proceedings or proceedings before Industrial Tribunals, an employee, who is a trade union official, may exhaust all leave to his credit and may thereupon be on half-pay or without pay and thus lose his wages. Therefore, the context in which the expression 'customary concession' is being used in the present relevance is not wholly inappropriate.

10. Having thus cleared the grounds of the preliminary objection, I now turn to the merits of the case. This case was argued by Mr. Bala with considerable industry and he marshalled the case laws with ability. Mr. Bala argued that this Tribunal was bound by the statement of law on the point by the Supreme Court of India and it was beyond the competency of this Tribunal to make an award in favour of the workmen in this reference. He relied in the first place on a decision of the Supreme Court (per Das Gupta, J.) in *Rohtas Sugar Ltd. and others vs. Mazdoor Seva Sangh and others* (1960) I LLJ. 567. In that case a Labour Appellate Tribunal had confirmed an award of an industrial tribunal, *inter alia*, directing that the workmen attending proceedings before the Industrial Tribunal should be paid wages, travelling allowance and halting allowance and further directing that workmen attending in these proceedings should be considered as on special leave with pay for the period of such attendance. In that extent the Supreme Court observed, at page 569:

"As regards these orders the appellants contend that they run counter to the pronouncements of this Court in *Punjab National Bank Ltd. v. Ram Kanwar, Industrial Tribunal, Delhi* (1957) I L.L.J. 455. This contention, we are bound to say, is correct. Whatever might have been said in support of the view taken by the tribunals in ordering payment of these allowance and of granting special leave to workmen attending proceedings of necessity, if the question was *res integra* we are bound by the authority of Punjab National Bank case (*supra*) to hold that no such allowances are payable and no such order granting leave may be made. The order of the tribunals below allowing travelling allowance and halting allowance and special leave to workmen attending proceedings of necessity, must therefore be set aside".

It was contended by Mr. A. D. Singh, appearing for the Staff Union, that there was nothing in the decision of the Supreme Court in *Punjab National Bank Limited v. Ram Kanwar*, (1957) I LLJ 455, which bound and compelled the Supreme Court to reject the claim for special leave to workmen, when attending proceedings under the Industrial Disputes Act. Mr. Singh may be right in his criticism because the case of *Punjab National Bank Ltd.* (*supra*) was not concerned with grant of special leave to workmen attending proceedings under the Industrial Disputes Act but with the interpretation of Section 11(7), dealing with payment of costs incidental to any proceedings before a Labour Court, Tribunal or National Tribunal. The summary of the decision of the *Punjab National Bank Ltd.* as in *Rohtas Sugar Mills* may not be strictly correct, but the Supreme

Court has stated the law in the language quoted above and it is not for me to question that law.

11. The other authority, to which Mr. Bala invited my attention, was a decision of the Supreme Court in *Indian Oxygen Ltd. vs. Their Workmen* (1959) 1 LLJ 235 (per Shelat, J). In that case, one of the demands of the workmen was:

"5. Union representatives should be allowed special leave to attend to law courts for matters connected with the workers and the management, to attend to annual conventions of their federation, to attend to executive committee meetings of the union, federation and convention of central organisation, i.e., Indian National Trade Union Congress."

The Industrial Tribunal had made an award in favour of the workmen. The demand was challenged by the learned Counsel for the employers as unjustified. It was argued that to impose an obligation upon grant of special leave to attend the meetings of the Executive Committee of the Union, the meetings of the Federation and the Conventions of the Indian National Trade Union Congress over and above the various types of leave available to the company's workmen was tantamount to the company having practically to finance the administration and management of the union. It was further argued that such an obligation on the company would not be justified on the ground of social justice and promotion of trade unionism. The learned-Counsel for the trade union sought to repel the argument on the ground that in the interest of proper growth of trade union movement and the promotion of harmony in industrial relation, facilities should be given to the workmen to conduct the administration of the union themselves so that outside elements may not establish their hold on the unions. In repelling the argument of the learned Counsel for the trade union, the Supreme Court observed:

(a) We apprehend the argument does not take into consideration certain important aspects of the demand. As aforesaid, the appellant-company has been allowing those of its workmen who are the union's representatives to attend, without loss of pay, proceedings before conciliation officers and industrial tribunals. This is fair because conciliation proceedings are likely to get thwarted if the workmen's representatives are not there to discuss the disputes and put forward their point of view before conciliation officers and wherever possible to arrive at a settlement or compromise."

(b) It is impossible to say that the leave granted by the company with full pay is not fair or even liberal. In conceding the demand of the union the tribunal does not appear to have considered the adverse effect on the company's production if further absenteeism were to be allowed specially when the crying need of the country's economy is more and more production and employers are exhorted to streamline their management to achieve this objective and to bring down their cost in line with international cost. In awarding this demand the tribunal also did not specify on how many occasions the executive committee meetings of the union and other meetings would be held when the company would be obliged to give special leave with pay to the union's representatives. Similarly, there is no knowing how many delegates the union would send to attend the conventions of the federation and the Indian National Trade Union Congress. The tribunal could not, in the very nature of things, specify or limit the number of such meetings, for such an attempt would amount to interference in the administration of the union and its autonomy. Its order must, of necessity, therefore, have to be indefinite with the result that the appellant-company would not know beforehand on how many occasions and to how many of its workmen it would be called upon to grant special leave. Further, in case there are more than one union in the company's establishment, the representatives of all such unions would also have to be given such leave to attend the aforesaid meetings.

(c) In considering such a demand, the first question which strikes one is as to why the meetings of the executive committee of the union cannot be held outside the hours of work. It was said that it may not

be possible always to do so, if an emergency arises. But emergencies are not of regular occurrence and if there be one, the representatives can certainly sacrifice one of their earned leave. There can obviously be no difficulty in so doing. The meetings of the federation and the annual conventions of the Indian National Trade Union Congress too can be attended by the union's delegates by availing themselves of their earned leave. Industrial adjudication, as observed in J. K. Cotton and Spinning and Weaving Mills v Badri Mali (1964) 3 S.C.R. 724 cannot and should not ignore the claim of social justice, a concept based on socio-economic equality, and which endeavours to resolve conflicting claims of employers and employees by finding not a one-sided but a fair and just solution. A demand for special leave has, however, nothing to do with any disparities or inequalities, social or economic. On the other hand, too much absenteeism harms both the employers and the employees inasmuch as it saps industrial economy."

In the view expressed, the Supreme Court rejected the entirety of demand No. 5 hereinbefore quoted.

12. Mr. Singh no doubt laid special emphasis on quotation (a) from the judgment of the Supreme Court and argued that the Supreme Court had in fact approved of special leave when the workmen were called upon to attend proceedings under the Industrial Disputes Act, but did not intend to extend such privilege or concession when the workmen were called upon to attend union meetings or trade union Congress. I am bound to say that if quotation (a) above from the Supreme Court judgment be read alone, one feels inclined to agree with Mr. Singh's argument. But reading the judgment as a whole, I find that the entirety of demand 5 was rejected by the Supreme Court that is to say, the Supreme Court was not prepared to encourage grant of special leave enabling workmen to attend matters before law courts or Industrial tribunals.

13. I feel thus bound by the judgment of the Supreme Court although I feel personally that there is much to be said in favour of the demand of the workmen, as argued by Mr. Singh.

14. Mr. Singh lastly contended that the Staff Union was being discriminated in that the office-bearers of the Employees Union were being allowed to attend proceedings under the Industrial Disputes Act without being compelled to go on leave but the same concession is not being given to the workmen represented by the Staff union. It is admitted in the written statement of the management that office-bearers of the National and Grindlays Bank Employees Federation were granted travelling and halting allowance for attending conciliation proceedings. The witness for the workmen Radheshyam Tripathi stated in course of his examination in chief:

"Ajit Kumar Banerjee does not do any work during office hours. He spends his time in the trade union office. I do not know whether he does so with the knowledge of his superiors. I do not know what type of work the other officers of the Employees Union do in their office."

He was not cross-examined on the point. There is no material before me to show that the members of the Employees union are allowed to go out of office without leave when attending proceedings under the Industrial Disputes Act. The real state of affairs may be that the management overlooks such absence without formally encouraging it. This will appear from the evidence of K. Rama Prasad who said in answer to a question put by the Tribunal:

"The clerks were members of the Employees' Union. The objection of the other members of the clerical staff not to allow A. D. Singh to go without leave may have been based on inter-union rivalry. The management as such had no objection to A. D. Singh going to attend conciliation proceedings and Tribunal proceedings often but the management objected because of the attitude taken up by the others members of the clerical staff."

Thus, on the evidence there is no point in the argument of wilful discrimination but the management may have been compelled to issue notice dated January 9, 1970 on objection of the clerical staff.

15. I am disinclined to encourage this argument for another reason. In the instant reference there is no question of equality of law of equal protection of law being denied to the workmen represented by the Staff union. I have already

held on the decisions of the Supreme Court that the workmen have no right to be on special leave when attending their duties elsewhere, say for example, proceedings under the Industrial Disputes Act. If they have no right, I cannot enforce an imaginary right for them. It was not a customary concession also because there is no evidence that members of the Employees union were throughout being granted such leave. I can only observe that if the management occasionally favours some members of the Employees union by grant of special leave and consistently refuses such leave to the members of the Staff union, there is bound to be industrial unrest and that would be a most undesirable conduct on the part of the management. Since I am not sure that favouritism is being practised. I do not make much of it.

16. In the view that I take, I hold that the action of the management of the National and Grindlays Bank Limited, Calcutta, in withdrawing with effect from the 9th of January 1970 the concession of treating the period of absence on duty in respect of those workmen, who, as office-bearers of the National and Grindlays Bank Staff Union, represented its case in proceedings under the Industrial Disputes Act was justified. The concession cannot be treated as customary concession. The workmen are not entitled to any relief.

This is my award.

Dated, March 16, 1971

(Sd.) B. N. BANERJEE,
Presiding Officer.

[No. 23/113/70-LRIII.]

S.O. 1526.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Punjab Cooperative Bank Limited and their workmen, which was received by the Central Government on the 24th March, 1971.

BEFORE SHRI P. P. R. SAWHNY, B.A.(HONS), CANTAB, BAR-AT-LAW PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AT CHANDIGARH.

REFERENCE NO. 5/C OF 1966

BETWEEN

The employers in relation of the Punjab Cooperative Bank Ltd., and their workmen.

APPEARANCES:

Shri Tek Chand Sharma and Thakur Durga Dass—for the workmen.

Shri Ved Pal Suri—for the management.

AWARD

An industrial dispute having arisen between the workmen and the employers of the Punjab Cooperative Bank Ltd., the Central Government have referred the following item of dispute for adjudication to this Tribunal, vide Labour Ministry's Order No. 51(48)/65-LRIV, dated the 23rd June, 1966:—

"Whether having regard to the directions contained in the Award of the National Industrial Tribunal (Bank Disputes), Bombay, dated the 21st July, 1962, published with the notification of the Government of India, in the Ministry of Labour & Employment No. S.O. 2603, dated the 7th August, 1962 the management of the Punjab Cooperative Bank Ltd., is justified in not paying bonus for the years 1956, 1957, 1959, 1960 and 1961 to their workmen? If not, to what quantum of bonus are the workmen entitled for these five years?"

2. Usual notices were issued to the parties, who in response thereto appeared and submitted their view points in writing.

3. The All India Bank Employees Association, which is the Central countrywide organisation of various trade unions of bank employees in India, including those of Punjab Cooperative Bank Ltd., filed statement of claim in which they have *inter alia* maintained that prior to 1962 there was no award applicable to the Banking Industry on the basis of which bonus appropriations and disbursements could be made that the banks had been paying bonus to their employees irrespective of the same for the last three decades.

that in the year 1949 the Government of India appointed the All India Industrial Tribunal (Bank Disputes), presided over by Mr. Justice K. C. Sen but the award of this Tribunal was set aside by the Supreme Court,

that in the year 1952 the Government appointed a second All India Industrial Tribunal (Banking Disputes) presided over by Mr. Justice Panchpakesha Sastry, that the Sastry Tribunal gave an award *inter alia* covering the question of bonus as also the question of eligibility and mode of payment and held that as regards the formula for bonus appropriations the Tribunal was barred from formulating the same in view of the provisions of Section 10 of the Banking Companies Act.

that the Labour Appellate Tribunal in appeal against this award held that Section 10 of the Banking Companies Act did not act as a bar for the Tribunal to adjudicate upon the disputes relating to bonus appropriations which were to be adjudicated severally and not collectively and merits of a particular Bank had to be gone into, that the general formula in respect of bonus which was as prescribed by the Labour Appellate Tribunal in Reference No. 1 of 1950 between the Mill Owners' Association, Bombay and the Textile Workers of Bombay had to be made applicable,

that the decision of the Labour Appellate Tribunal was challenged in appeal by the Banks before the Supreme Court, that when the matter was pending before the Supreme Court the Government of India in 1956 brought about a legislation amending Section 10(1) of the Banking Companies Act, thereby setting out that the disputes relating to bonus in Banking Industry could be adjudicated upon by Tribunals constituted under the Industrial Disputes Act, that subsequently the Supreme Court set aside the decision of the Labour Appellate Tribunal and held that the bar existed on adjudication of bonus disputes in Banking Industry as Section 10 of the Banking Companies Act stood prior to the aforesaid amendment, that in this way the dispute of bonus relating to the year ending 1955 stood barred as a result of the decision of the Supreme Court, that the bank employees continued to agitate on the question of bonus subsequent to the removal of the bar i.e. from the year 1956,

that the Government of India vide its Notification No. S.O. 2384, dated 22nd September, 1960, referred the following issues relating to bonus between the Banking companies and their workmen to the National Industrial Tribunal (Banks Disputes) Bombay, presided over by Mr. Justice K. T. Desai, and that the name of the Punjab Cooperative Bank Ltd. appeared in Schedule I to the aforesaid order of reference:

"Bonus principles and conditions for eligibility and method of computation after making provisions for all matters for which provisions is necessary by or under any of the Acts applicable to the banks or which are usually provided for by the Bank",

that Mr. Justice Desai gave an award on 21st July, 1962, holding that

"In my view it would be wrong in principle not to make it compulsory for the banks to pay bonus when banks made large profits and there is a gap between the actual wages paid to the workmen and the living wage.",

that this Tribunal thereafter proceeded to examine the full Bench formula laid down in Reference No. 1 of 1950, and after making modifications thereupon as from paragraph 92 onwards set out a formula for ascertainment of bonus appropriations to which the employees of banks would be entitled and also various directions in respect of eligibility and mode of payment,

that during these proceedings the Reserve Bank of India made a suggestion to establish a convention, which was in fact a modification of Section 17 of the Banking Companies Act regarding their demand seeking to establish that banks should set aside a minimum of 20 per cent of their profits towards reserve till such time as the reserve were equal to or not less than 6 per cent of the total deposits of the bank,

that this convention by legislation has become a statutory obligation on all the banks,

that since the respondent bank had not declared any bonus for the year 1962, the employees through their All India Bank employees Association placed demand for adequate bonus with a minimum of two months for C class banks—the respondent bank being a 'C' class bank according to the classification of banks as per award of National Industrial Tribunal (Bank Disputes), Reference No. 1 of 1950.

that since there was a dispute in relation to the quantum of bonus appropriations and disbursement with the workmen of the Industry, the Government of India have referred the same to this Tribunal,

that the non-payment of bonus is inconsistent with the award of the National Industrial Tribunal (Banking Disputes) Reference No. 3 of 1960, known as Desai Bonus award inasmuch as in paragraphs 92 to 95 of the said award directions had been given as to how the adjusted profits were to be arrived at and in paragraphs 96 to 109 directions are given in relation to the different items of prior charges in the bonus calculations,

that the principles set out in the Desai award are to be applied for payment of bonus to the workmen for the years 1956, 1957 and 1959 to 1961.

that in paragraphs 110 to 112 of the said award directions are given as to calculations of available surplus and also as to the share out of such available surplus to which the employees are entitled,

and that since the respondent bank had not paid any bonus for the years in question the amount of Rs. 241593 is to be paid as bonus to the employees as per the work sheets annexures 'A', 'B', 'C' and 'E' based on published balance sheets for the years 1956, 1957, 1959, 1960 and 1961, subject to correction of calculations after securing information and from inspection of the records of the respondent bank.

In the written statement the management raised preliminary objections viz. (i) that the demand for bonus in respect of the years 1956, 1957, 1959, 1960 and 1961 was belated keeping in view that Section 209(4)(a) of the Companies Act, 1956 requires that the companies should maintain books and records for a period of 8 years, and the claim was barred by limitation,

that the Government had on 21st July, 1964 referred the bonus dispute only in respect of the year 1952 to the Industrial Tribunal, Chandigarh and had there been any dispute then pending validly in respect of the previous years, the same would have also been referred at that time, and it should as such be assumed that there was no dispute pending about the earlier years.

(ii) that the event of the National Industrial Tribunal (Bank Disputes) Bombay dated 21st July, 1962, has been fictionally applied the demand relating to the years 1956 to 1961 as the award was not given any retrospective effect by the Tribunal and

(iv) that in respect of the years 1956 and 1957 employees were paid bonus equal to 15 days basic wages for each of these two years *ex-gratia* and the same was accepted by the workmen without protest.

On merits it has *inter alia* been maintained by them that the principles governing the payment of bonus laid down by the full Bench Formula of the Labour Appellate Tribunal (1950-L.L.J.-1247) have been accepted in several cases by the Supreme Court,

that para 88 of the Desai award relating to bonus specifies that bonus should be paid by the banks when substantial profits were made,

that the position with regard to the respondent Bank was that it was a displaced bank as per Government of India notification dated 20th December, 1960, that the partition of the country had proved very harmful to the bank which had abandoned 5 branches in Pakistan and lost Rs. 25 lakhs, that the respondent bank had not made much profits as was borne out from the fact that moratorium was effective from 18th May, 1961 and it continued upto 17th September, 1961 prohibiting the respondent bank from receiving or paying deposits and doing its normal business, that during these four months loans realized remained uninvested.

that for all these reasons the claim for bonus for these years should be rejected in view of special adverse circumstances created unjustifiably by the Reserve Bank of India.

that the Desai Bonus award specifies that if 20 per cent of the profits (after deduction of tax) are transferred to Reserve Bank of India, the same should be allowed as a prior charge,

that the Reserve Bank of India had directed this bank not to declare any dividend from the year 1959 and the entire profits were transferred to the Reserve Bank in respect of the years 1959, 1960 and 1961 onwards, and so also the respondent bank had transferred the requisite sums prior to those years to the reserve

account, that out of such transfers to the Reserve 20 per cent of the profits was to be allowed as a prior charge in accordance with the principles laid down in the Desai award and has been calculated in the work-sheets.

that as regards the dispute about bonus for 1962, it had already been adjudicated upon and payment had been made according to Payment of Bonus Ordinance issued by the President of India, that the financial position given by the employees in their work sheets, A B, C, D & E has incorrect and liable to be rejected, that the position explained by the respondent (the Bank) in their worksheets should be relied upon, and that since there were no profits for the relevant years after applying the principles laid down in the Desai award, no profit was sharable by the workmen in any of the years which might justify payment of bonus, particularly so when the general financial position of the bank had been rated low by the RBI and they had issued directions not to declare dividends for the past 7 years and this ban was still continuing.

In the replication the workmen have generally controverted the stand taken by the respondent bank in their written statement and reiterated the pleas that had been taken by them in their statement of claim.

In regard to the objections relating to dispute of 1962 it has been maintained by the workman that that dispute was a distinct dispute, and was made for a particular year, whereas the dispute for the years 1958 to 1961 had been raised separately and, as such, the reference was valid and competent and was not belated.

Besides it was also maintained by them that it was incorrect to suggest that the present reference had not been made in accordance with provisions of law and the question of laying down fiction did not arise and the Government was competent to make the reference, which was not barred by any law of limitation and

that the bonus paid equal to 15 days' basic wages ex-gratia for the years 1966 and 1957 was not adequate and had not been paid according to the provisions of law.

On merits it was maintained by the workmen that the clarification given by the bank in regard to so-called loss was misleading if it were to be kept in view that the bank had written off the amount left in Pakistan and, subsequently, the amount was being adjusted back out of the earnings year by year.

In regard to Moratorium declared by the Government it was maintained that the Moratorium had been lifted on the representation of the respondent bank that its financial position was very sound and it was in a position to meet its obligations.

In regard to the Desai bonus award, it was maintained that para 97. specifies that banks can transfer 20 per cent of their declared profits (that is to say profits after making usual and necessary provisions) to their reserves till such time as their published reserves and paid-up capital reach the level of 6 per cent of their deposits and that the reserves of the respondent bank, as had been shown in the balance-sheets and the paid up capital (for the relevant years), are more than 6 per cent of total deposits and, as such, the respondent bank was not entitled to claim 20 per cent of the profits as a prior charge in accordance with the Desai Bonus award. It was further added that the respondent bank had been pressing the Reserve Bank of India for paying dividends to the shareholders on the ground that their financial position was very sound.

It was further more maintained that the respondent bank had made a mis-statement in regard to payment of bonus for the year 1962 inasmuch as the award of the Industrial Tribunal, Punjab, Chandigarh for payment of house @ one month's basic salary was implemented but the respondent bank made un-authorised deductions from bonus for the year 1964, and the dispute in regard to unlawful deductions was pending with the Industrial Tribunal, Delhi.

It was also maintained that the worksheets submitted by the respondent bank were not in accordance with the provisions of law and should not be relied upon.

Objections were also taken to the manner in which profits were worked out and in particular reference was made to the award dated 18th August, 1965, given by Mr. Justice K. L. Gosain, the then Presiding Officer of the Industrial Tribunal disallowing payment of bonus for national Income tax as prior charge, which award had been accepted by the respondent bank and directions therein were binding on the parties.

Similarly with regard to provisions of gratuity it was maintained that only the amount of expenditure incurred can be allowed and since the respondent bank had not disclosed actual amount of gratuity paid for the years 1956, 1957, 1959, 1960 and 1961, the Industrial Tribunal, Punjab, in its award dated 16th August, 1965 had disallowed the claim of the bank in respect of provision of gratuity as a prior charge and, that being so the respondent bank cannot be allowed to provide this item as a prior charge.

Likewise it was pointed out that the bank had already taken the amount of other reserves for the purposes of calculating 4 per cent return on those reserves, which they can only claim as per the amount shown in the balance-sheets, provided it was proved that those reserves were actually used as working capital during the relevant years for the entire year.

It was further maintained that the bank had not proved from any documents that refund of Income tax by them in 1956 does not relate to the years under dispute and, as such, the bank's claim be disallowed in this behalf.

It was also pointed out that extraneous income from agricultural land and sale of property could not be deducted from profits as had been held by the Industrial Tribunal, Punjab in its award, dated 27th August, 1965.

For all these reasons, it was maintained by them that their calculation charts should be relied upon, and since the financial position of the respondent bank was very sound, which had been pressing the Reserve Bank of India to lift the conditions imposed on them about payment of dividends to the shareholders, the Tribunal should award 75 per cent of the available surplus as bonus for each year.

On the pleadings of the parties the following issues were framed:—

- (1) Whether the management paid to the workmen bonus for the years 1956 and 1957?
- (2) If issue No. 1 is found in favour of the management, whether the workmen can now demand bonus for those two years?
- (3) Whether the reference in regard to the bonus for the year 1962, which has since been decided, is a bar to the claim of the workmen for the bonus for the previous years?
- (4) Whether the demand of the workmen is belated and what is its effect?
- (5) Whether having regard to the directions contained in the award of the National Industrial Tribunal (Bank Disputes), Bombay, dated the 21st July, 1962, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603, dated 7th August, 1962 the management of the Punjab Co-operative Bank Limited, is justified in not paying bonus for the years 1956, 1957, 1959, 1960 and 1961 to the workmen? If not what quantum of bonus are the workmen entitled for these five years?

Before dealing with each of the issues, it would be appropriate to mention that the workmen claim that prior to 1962 there was no bonus award applicable to the Banking industry whereby any formula may have been available on the basis of which bonus appropriation and disbursements were to be made built; it is, not denied by the workmen that banks had been paying bonus to their employees all the same for more than three decades.

The Sen Tribunal provided bonus appropriations but this award was set aside, by the Supreme Court of India, according to the workmen, on technical grounds and the Sastry award covered the bonus question without indicating a specific formula, in which proceedings the respondent bank was a party along with the other banks and in appeal the Labour Appellate Tribunal, Bombay, Appeal No. 22006 of 1953, dealt with the bonus question and *inter alia* held that the bonus was not an *ex-gratia* payment, but was a claim to addition wage which nature only if the concern had a prosperous trading year. This position continued till Section 10(1) of the Bank Companies Act was amended by the Government of India in 1955 and dispute regarding bonus in the Banking Industry till the year ending 1955 stood barred because the Supreme Court of India had held that section 10(1) of the Banking Companies Act as it stood prior to the amendment in 1955, acted as a bar.

The workmen further allege that since 1956 they continued to make efforts for the resolution of the dispute regarding bonus, and the Government of India, vide Notification No. 2384, dated 22nd September, 1960 referred the under mentioned

Issue in which the respondent bank was a party, to the National Industrial Tribunal (Bank Disputes), Bombay, presided over by Mr. Justice K. T. Desai:—

"Bonus: Principles and conditions under which payable, qualification for eligibility and method of computation, after making provision for all matters for which provision is necessary by or under any of the Acts applicable to the Banks or which are usually provided for by Banks."

and Mr. Justice Desai gave an award on 21st July, 1962, laying down principles, method of computation etc. for ascertainment of payment and appropriation of bonus, and gave directions regarding prior charges and further held:—

"In my view it would be wrong in principle not to make it compulsory for Banks to pay bonus when banks make large profits and there is a gap between the actual wages paid to workmen and the living wage."

The workmen also maintain that thereafter the bank employees throughout the country raised demands for bonus for 1956 onwards.

They have, however, not alleged in their statement of claim as to when they made the demands for bonus for the years 1956, 1957, 1959, 1960 and 1961 on the management or when the management turned them down, and all that they have stated in this behalf in the statement of claim is that the dispute about quantum of bonus for the said years existed and was referred by the Government of India by Notification, dated 23rd June, 1966 to this Tribunal as under:—

"Whether having regard to the direction contained in the award of the National Industrial Tribunal (Bank Disputes) Bombay, dated the 21st July, 1962, published with the notification of the Government of India, in the Ministry of Labour and Employment, No. S.O. 2603, dated the 7th August, 1962 the management of the Punjab Cooperative Bank Limited is justified in not paying bonus for the years 1956, 1957, 1959, 1960 and 1961 to their workmen? If not, to what quantum of bonus are the workmen entitled for these five years?"

In this connection it may be mentioned that after this award had been announced, the Board of Directors of the respondent bank at a meeting held on 26th May, 1957, granted to their workmen bonus @ 15 days' average basic wage of 1956, but the workmen maintain that from the perusal of Exts. R/5 and R/6, it was to be observed that bonus was granted at this rate after taking into consideration para 350 of the Sastry award, relating to payment of bonus to the staff.

The workmen have also maintained in their statement of claim that respondent bank could have made payment of more bonus for the years 1956 and 1957 than what had been paid to them and have indicated how the available surplus should be calculated and how the bonus out of the available surplus should be determined in accordance with the directions contained in the Desai award of 1962.

As has been stated earlier, the respondent bank raised the following preliminary objections to the references:—

- (i) That the demand for bonus for the years 1956, 1957, 1959, 1960 and 1961 was belated and should be rejected without going into merits.
- (ii) That prior to the present reference the Government of India had referred the dispute about bonus for the year 1962 to Industrial Tribunal Chandigarh, by Notification No. 51(42)/64-I-RIV, dated 21st July, 1964, which shows that there was no dispute for those years and the dispute now raised is an after-thought which is obviously a stale demand and an abuse of process in law.
- (iii) That the Desai Award, dated 21st July, 1962 could not be given a retrospective effect and cannot be made applicable to the demand for years prior.
- (iv) That in respect of years 1956 and 1957 each employee was paid bonus equal to 15 days basic wages for each of these two years as *Ex-Gratia* bonus, that workmen accepted the same and did not raise any further demand for those years, and therefore, the demand for 1956 and 1957 should be rejected on this additional ground also.

On merits the management have also contested its liability for payment of bonus for the relevant years, and have pleaded that they had been suffering losses, which was evident from the fact that the Government of India had passed an order of moratorium on this bank, effective from 18th May, 1961 which continued upto 17th September, 1961, as a result of which the respondent bank was debarred from transacting normal business of receiving payments and paying deposits, and

this had adversely effected their business and they had to pay wages to the staff for the said period, and that they were a displaced bank, and the partition of the country was very harmful, inasmuch as its five branches in Pakistan had been abandoned and a sum of Rs. 25 lacs had been lost there.

Besides the respondent bank have raised various other pleas in regard to the mode of calculation of available surplus etc.

Issues Nos. 1, 2 and 4.

These 3 issues need to be dealt with together as they are inter connected.

It is common ground between the parties that the respondent Bank had paid to the workmen 15 days' average basic pay as *ex-gratia* bonus for the years 1956 and 1957, which is also proved from copy of the agenda of the meeting of the Board of Directors, Ext. R/5, and copy of resolution, Ext. R/6, and this has also been admitted in para 5 of the rejoinder. Besides it is proved from the statements of Sarvashri Ved Pal, General Manager, R.W., and Dina Nath, R.W. Issue No. 1 is disposed of accordingly.

At the risk of repetition it may be stated that in the statement of claim the workmen have not specifically stated when they made a demand for bonus for the years 1956, 1957, 1959, 1960 and 1961, or when, if at all, this demand was turned down by the respondent bank and all that they have stated in this behalf is that a dispute about quantum of bonus about these years existed and was referred to this Tribunal on 23rd June, 1966 by the Government of India.

It is as such to be determined whether there was any justification for the workmen for bonus for the year 1958 and it has not been satisfactorily explained appears to be belated. It would not be out of place to mention that when the workman had a reference made in regard to their claim for bonus for the year 1962, which was referred for adjudication to Mr. Justice K. L. Gosain, who was then the Presiding Officer of the Industrial Tribunal, Punjab, no claim for bonus was made for the earlier years and got referred to adjudication.

It may also be mentioned that no claim or reference has been got made by the workmen for bonus for the year 1958 and it has not been satisfactorily explained why so inasmuch as no ostensible explanation is forthcoming in this regard. The workmen have tried to explain this delay by taking up the position that there was no formula for computation of available surplus prior to the award of the National Tribunal, presided over by Shri K. T. Desai, dated 21st July, 1962, and that section 10 of the Banking Companies Act, as it stood prior to its amendment in 1956 had been held by the Supreme Court of India as a bar on the adjudication of bonus disputes. They, however, all the same admitted that the banks had been paying bonus for the last three decades or more as is to be found from paras 2 to 9 of the statement of claim. No explanation worth the name can be said to have been offered which might have prevented the workmen from putting forward claim for the years in dispute for bonus soon after the close of those years, and before the accounts were finalised. As a matter of fact they did so for the years 1956 and 1957 inasmuch as their Secretary, Shri Piaro Lal had written a letter, Ext. A/7, dated 20th February, 1957 claiming two months' wages as bonus for the year 1956 and also the Delhi staff in their letter, Ext. A/9, dated 21st February, 1967, had claimed only suitable bonus for the year 1956, without making any specific demand for two months' salary as bonus. The Delhi branch in their letter A/11, dated 25th February, 1957, had also claimed bonus equal to three months' wages for the year 1956 and vide letter Ext. A/18, they claimed bonus at a reasonable rate for the year 1956. It may be also stated that while keeping in view these letters by way of demand for payment of bonus for the year 1956, the Board of Directors passed a resolution, dated 26th May, 1957, Ext. R/5, 1958, granting 15 days' wages as *bonus ex-gratia* for the years 1956, which was distributed soon afterwards, and no additional demand for bonus for that year was made thereafter and the only letter that the workmen wrote in this connection to the respondent management is Ext. A/15, dated 4th June, 1957, in which they have merely requested that the words "*Ex-gratia*" be substituted by the word "bonus" and added that although 15 days pay as bonus was a much lesser amount, as compared to their demand yet they were considering it in a compromising attitude.

From all this it is more than evident that the workmen had accepted 15 days' pay as bonus for the year 1956, without raising any further demand and their claim for bonus for the year 1956 was deemed to have been finally settled and the accounts of that year closed.

Again for the year 1957, in their letter, Ext. A/8, dated 15th January, 1968, the workmen had demanded bonus equal to the months' wages, which was considered by the Board of Directors of the respondent Bank in their meeting held on 21st August, 1958, and resolution was passed that 15 days' average basic wages, for the year 1957 be granted to each of the workmen ex-gratia and this was accepted by the workmen without any protest, inasmuch as the only letter placed on record by the workman in this connection is Ext. A/16, dated 3rd June, 1959, in which the workmen have only objected to the words "ex-gratia" and requested that these words be substituted by the word "bonus", and nothing else, and there was no further demand for that year. In that view of the matter their claim for the year 1957 was also to be deemed to have been fully settled and the accounts closed.

As for the year 1958 since both the parties are agreed that there is no claim for the year 1958 for bonus, no reference has been got made, it does not require any discussion or consideration.

As regards the year 1959 no demand for bonus was made in 1960, 1961 or 1962, and the accounts for the years 1958 and 1959 had been finally closed and made up.

The demand for bonus for the year 1960 @ two months' wages was made vide letter, dated 9th February, 1961, Ext. A/6 in which there is no mention, as stated above, of the demand of the workmen for additional bonus for the years 1958 and 1957 or bonus for the years 1958 and 1959, inasmuch as in that reference their claim for bonus @ two months' wages relates only to the year 1960 which also goes to show that upto that time the workmen did not entertain an idea of claiming additional bonus for the years 1958 and 1957 or any bonus for 1958 or 1959 i.e. till 9th February, 1961.

It is pertinent to mention that it was on 7th of August, 1963 that the General Secretary of the union wrote letter, Ext. A/19, to the Managing Director of the respondent Bank the relevant extract of it being:—

"We have to draw your kind attention to our demand for bonus for the years 1958 to 1961 @ two months' salary for each year, which may please be paid to us."

Thanking you,

The receipt of this letter is not admitted by the management and no postal receipt has been placed on record by the workmen in order to show that it had been received by the management. Besides it does not have a mention as to when the demand for 1958, 1959, 1960 or 1961 had been made and it has not been addressed to the General Manager of the Bank as had been done in the past, and it also pre-supposes that a demand had been made at the proper time and was still pending, which from the material placed on record does not appear to be so. It may be stated that taking advantage of the Desai award, dated 21st July 1962, a vague demand which according to the respondent bank had been satisfied and accepted was raised at this late stage. The fact of the matter is that the workmen accepted ex-gratia bonus paid to them by the respondent management and in this regard the respondent bank are supported by Shri Mehta Dina Nath, R. S. who has stated that no objection had been made by the workmen when bonus was distributed and he has not been cross-examined in this behalf, and by letters, Exts. A/15 and A/16 which go to show that the workmen accepted the payment in full and final satisfaction of their demand, and their only objection was that it should not be treated as ex-gratia, but as bonus.

Assuming letter, A/19, dated 7th August 1963, to be a demand for additional bonus for the years 1958 and 1957 and a demand for bonus for the years 1958 to 1961, the position that emerges is as follows:—

- (i) That the demand for additional bonus for the years 1958 and 1957 are more than 6½ years after the close of accounts of 1956 and more than 5½ years after the close of the year 1957,
- (ii) that the demand for bonus for 1959 was made 3 years and seven months after the close of the year, and
- (iii) that the demand for bonus for 1960 was more than 2 years and seven months after the close of that year and the demand for bonus for 1961 was made more than one year and seven months after the close of that year.

It has as such to be determined whether these demands are belated and should not be entertained on this solitary ground. Needless to mention that payment of profit bonus pre-supposes the existence of an available surplus in the hands of the employer during a specified year from which alone the workmen are entitled to be paid bonus and it is thus of utmost importance that profit bonus should be claimed soon after the close of the year and before the available surplus is distributed, as by allowing belated claims for bonus the settled accounts would be disturbed and the economy of the concern would be adversely effected.

In Kashi iron Foundry and others, reported as 1962—L.L.J.—I—199 their Lordships of the Appellate Tribunal observed as under:—

"The employees claim bonus for the years 1947-48 and 1949-50. The Conciliation Board has turned down the claim for bonus for the years 1947-48 and 1948-49, and has allowed bonus only for the year 1949-50.....the case of the employees is that the Conciliation Board has erred in not awarding bonus for the two previous years. In our opinion the reason given by the learned conciliation board for disallowing bonus for the two previous years is quite sound. It is well known principle that the bonus is allowed from the profits of the year for which it is claimed and it is not possible to open the accounts of the previous years. It appears that the claim for bonus was put up for the first time in October or November, 1950 and there was no justification for this delay. The employees plead that as there was no union they had no opportunity to raise a demands but this would not entitle them to raise a belated demands."

In this case claim for bonus for the years 1947-48 and 1948 was made in October or November, 1950 and was disallowed.

In Caltex India Ltd., reported as 1952—L.L.J.—II—183, the workmen had been granted one month's basic wages as bonus for the years 1946 to 1959, and they claimed additional bonus @ 6 months' wages for those years but their claim was rejected as being belated.

In the case Burmah Shell Oil Co. reported as 1954—L.L.J.—I—21, the claim for bonus for the years 1947, 1948 and 1949 was made for the first time on 21st September, 1951 and their Lordships observed that:—

"as the accounts in question had been settled and closed bonus for all these years could not be granted."

Similarly in the case, Karim Bidi Factory, Ahmedabad, reported in 1966—L.L.J.—I—530, the demand for bonus was rejected as being belated having been made two and three months after the closing of those years.

Again in the case, Tribhuvan Dass Bhimji Zavari Vs. workmen, reported as 1956—L.L.J.—I—370, the demand for bonus for the year 1951-52 made 18 months after the close of the year was held belated and disallowed.

In another case, reported as 1957—A.I.R.—Madras—223 Mysore City Hotel Association Vs. Labour Appellate tribunal a claim for bonus made 17 months after the close of the year was held to be belated and not allowed.

From all these citations it is more than clear that latches and delay has been discouraged and held fatal and in one case when claim was made after 17 months of the close of the year it was negatived.

So far as claim for bonus for 1961 is concerned it may be stated that it was made for the first time on 7th August 1968 *vide* Ext. A/19 though the management, as stated above, do not admit receipt of this letter and the workmen have also not proved its receipt by the management. However even if it were to be taken to have been received by the management, this letter was written 21 months after the close of the year and this delay has not been explained by the workmen.

As regards claim for the year 1960, a demand was made *vide* letter, Ext. A/6, on 9th February 1961, but since this demand was not pursued and no reference was got made when reference in respect of the year 1962 was got made on 21st July 1964 without any mention of the previous years and this also goes to show that the workmen did not press it, especially so keeping in view that no particular reason has been given by the workmen for reference not having been got made for the years 1960 and 1961 along with the reference for the year 1962.

The claim for bonus for the year 1960 is also as such very much belated and is not entitlable and so also the claim for additional bonus for the years 1956 and 1957 or for bonus for the years 1959.

This apart the present reference has been made on 23rd June, 1966, relating to the years 1956 to 1961, i.e., four and a half years after the close of the year 1961 and more than 9½ years after the close of the year 1956 and this was for the reason that the workmen approached the Regional Labour Commissioner for making this reference by a letter, R/3, as late as on 18th May 1965, after the dispute for bonus for 1962 had been adjudicated upon by Mr. K. L. Gosain.

In A.I.R. 1959 Supreme Court 1217, Shalimar Works Ltd., Vs. Workmen, it has been held that the workmen must move for a reference within a reasonable period and reference must be refused where there has been long delay for payment of bonus.

It has further to be considered whether as per Desai award, retrospective effect can be given. A perusal of its relevant paras shows that it is not the intention of the Tribunal to give retrospective effect. Besides as has been stated earlier on the Supreme Court has also looked upon with disfavour the opening up claim for bonus when it is found to be belated.

It has been maintained by the workmen that their demand for additional bonus for the years 1956 and 1957, and bonus for the years 1958 to 1961 was a continuous one as was evident from letters Exts. A/7, A/8, A/9, A/13, A/16, A/19, A/20, A/21 and A/24 and in particular from letter A/20, dated 9th February 1961, demanding reasonable and suitable bonus and deletion of the words "Ex-gratia" and letter, Ext. A/19, dated 7th August 1963, demanding bonus 'two months' wages.

They have also sought support for this plea from the fact that reference in regard to payment of bonus had been made by the Central Government on 22nd September 1960, in which the respondent bank was also a party and the award was given by Mr. Justice Desai in 1962, and they claim that the fact of the matter was that there was one set of demands for payment of bonus which was in the nature of a general demand of Banking Industry employees from 1956 to 1961, and for that reason a demand for payment of bonus for 1962 had been raised separately, and not for the years 1956, 1957, 1959, 1960 and 1961.

This contention of the workmen can hardly prevail as from perusal of the aforesaid letters it appears that the main objection that had been taken by the workmen was to use of the words ex-gratia and they had desired substitution of the words "ex-gratia" by the word "bonus". In any case the letters, Exts. A/19 and A/20 were written nearly 6½ years later and the earliest objection taken in their letter, Ext. A/15, dated 4th June 1957 was to the use of the words "ex-gratia", and they had also stated that they had accepted payment of bonus @ 15 days' average basic as a compromise which clearly substantiates the plea of the respondent bank that the workmen had accepted the bonus @ 15 days' average basic pay without any protest or denur.

It may also be mentioned that in so far as the Desai award is concerned, the dispute that was referred to this Tribunal only related to laying down principles of payment of bonus and it did not have anything to do with the demand of bonus for any particular year or for payment of bonus in the Industry as a whole.

In view of the citations referred to above, the claim of the workmen for additional bonus for the years 1956 and 1957 and for the years 1959, 1960 and 1961 is obviously belated, and issue 2 and 4 are decided against the workmen.

Issue No. (3)

In regard to reference for the year 1962, in respect of bonus acting as a bar which has already been decided by Mr. Justice K. L. Gosain, it may be stated that strictly speaking it may not be a bar for payment of bonus for the previous years. It, however, all the same goes to show that the claim for bonus for the previous years was not raised or pressed, and this conduct of the workmen is sufficiently indicative of the fact that they had given up their claim for the years in question when the reference for bonus for the year 1962 was only pressed by them, and in that way their claim for bonus for previous years is not maintainable particularly so when accounts of these years have been paid up and finally closed long since and it is held accordingly.

Issue No. (5)

In view of the findings given above, in respect of the first four issues it is hardly necessary to give a specific finding whether the respondent bank is or is not justified in not paying bonus for the years 1956, 1957, 1959, 1960 and 1961 having regard to the directions contained in the award of the National Industrial Tribunal (Banking Disputes), Bombay, dated 21st July, 1962. In this connection it may however be mentioned that bonus is paid to workmen out of profits for each

year, if there is availability of surplus, and act as a whole, and it cannot be carried forward from year to year, as per para 74 of the Desai award, and the accounts of each year are deemed to be closed for all intents and purposes at the end of each year.

In respect of the other important issue raised in this connection viz., whether national Income Tax is to be a prior charge, even though tax was not payable on account of earlier losses.

Whether provision of gratuity on national basis, should be allowed and be added back, as per findings given in this behalf by Mr. Justice K. L. Gosain in his award, dated 16th March 1965, ad in para 92 of the Desai award,

and whether rehabilitation charges should be allowed as assets or whether they are extraneous income, and whether the respondent bank was entitled to charge 4 per cent return on other reserves, findings need not be given as that would have been only be necessary if the earlier four issues had been found in favour of the workmen.

In passing it may be mentioned that the financial position of a concern has necessarily to be kept in view while allowing a claim for bonus. The workmen have claimed that the respondent bank had made profits during the relevant years and were in a position to pay bonus at the rate claimed by them and the management have maintained that as was to be observed from the balance-sheets and profit and loss accounts they had suffered losses, and there was no justification for the workmen to claim bonus and also that an order of moratorium had been issued in respect of the respondent bank and it remained in force for 3½ months, which had adversely affected the business of the bank to a great extent,

that their financial position became unsound as a result of loss of Rs. 25,00,000/- suffered by them on account of partition of the country when they had to abandon five branches in Pakistan, and that they were not paying any dividend to their shareholders as per statement of Shri Piare Lal, Secretary of the union.

and on the other hand the workmen claimed that the bank had requested the Government for raising the moratorium order by representing that their financial position had become sound and they had asked the Reserve Bank of India to pay 7 per cent dividend to their share-holders. This aspect of the matter need not however be gone into assistance Nos. 1 to 4 have already been decided against the workmen.

Award is given accordingly.

The parties are, however, left to bear their own costs.

(Sd.) P. P. R. SAWHNEY,
Presiding Officer,
Industrial Tribunal, Punjab.
[No. 51(48)/65-LRIV(LRIII).]

ORDER

New Delhi, the 11th February 1971

S.O. 1527.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Goenka Kajora Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Goenka Kajora Colliery of Messrs Goenka Coal Company, Post Office Ukhra, District Burdwan was justified in stopping from work Shri Nageswar Prasad, Coal Cutting Machine Driver from the 4th July, 1969, to the 6th July, 1969, and the 16th July, 1969. If not to what relief the workman is entitled.”

[No. L/1912/3/71-LRIL.]

U. MAHABALA RAO, Dy. Secy.

श्रम, रोजगार और पूनर्वास मंत्रालय

(श्रम तथा रोजगार विभाग)

आदेश

नई दिल्ली, 11 फरवरी, 1971

का० आ० 1527.—यतः केन्द्रीय सरकार की राय है कि इससे उपबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में गोयनका कजोरा कोलियरी, डाकघर उखरा, जिला बर्दवान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आधिकारिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

यतः अब, आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के अण्ड (३) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आधिकारिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मैसर्स गोयनका कोल कम्पनी, डाकघर उखरा, जिला बर्दवान, की गोयनका कजोरा कोलियरी के प्रबन्धतन्त्र का श्री नगेशवर प्रसाद, काल कटिंग मशीन ड्राइवर को 4 जलाई, 1969 से 6 जलाई, 1969 तक और 16 जलाई, 1969 को काम से रोकना न्यायोचित था? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?”

[सं० एल० 1912/3/71—एल० आर० 2]

यु० महाबला राव, उप सचिव।

(Department of Labour and Employment)

New Delhi, the 27th March 1971

S.O. 1528.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 2657 dated the 26th June, 1969, the Central Government having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas, specified in column (3) of the said Schedule in the State of Uttar Pradesh in which the provisions of Chapters IV and V of the Act are in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the date of expiry of the period specified in the said notification or until the enforcement of provisions of Chapter V of the said Act in those areas, whichever is earlier.

SCHEDULE

Sl. No.	Name of District	Name of area	Name of the factory
1	2	3	4
1.	Azamgarh	Azamgarh	1. M/s. Shri Mahabir Finishing Factory Sahaduttpura, Munath Bhanjan, Azamgarh. 2. M/s. Arjun Textiles, Ghazipur Road, Maunath Bhanjan, Azamgarh.

1	2	3	4
2	Balia . . .	Balia . . .	M/s. Saraswati Iron and Steel Industries, Baleshwar Ghat Road, Balia.
3	Bulundshar . . .	Khurja . . .	M/s. L. G. Products, Junction Road, Khurja.
4	Faizabad . . .	Masodha . . .	M/s. Vishnu Industrial Enterprises Ltd., Motinagar, Railway Station, Masodha.
		Akbarpur Faizabad . . .	M/s. Gandhi Ashram. M/s. Central Workshop, (Tubewell Division).
5	Mathura . . .	Vrindaban . . .	Vrindaban Porcelain and Enamel Industries Udyognagar.
6	Muzaffarnagar . . .	Shamli . . .	M/s. Swastika Metal Rolling Mills, Delhi Road.
7	Meerut . . .	Partapur . . .	M/s. Electra, B-4, Industrial Estate
8	Nainital . . .	Lohia Head (Via. Pilibhit) . . .	M/s. Sarda Vidut Grish, Lohia Head.
9	Saharanpur . . .	Ram Nagar . . .	M/s. Green Land Food (P) Ltd., Dehradun Road.
10	Varanasi . . .	Mughalsarai . . .	M/s. Indian Oil Corporation Ltd., Ali Nagar, G. T. Road.

[No. F. 602(14)/70-HI]

(श्रम और रोजगार विभाग)

नई दिल्ली, 27 मार्च, 1971

का० आ० 1528.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तथा भारत सरकार के श्रम, रोजगार और पुनर्वासन मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 2657 तारीख 26 जून, 1969 के अनुक्रम में केन्द्रीय सरकार इससे उपावल्ल अनुसूची के स्तम्भ (3) में विनिर्दिष्ट उत्तर प्रदेश राज्य के ऐसे थोकों में जिन में अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, उक्त अनुसूची के स्तम्भ (4) में विनिर्दिष्ट कारखानों की अवस्थिति को ध्यान में रखते हुए, उक्त कारखानों को उक्त अधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय में, उक्त अधिसूचना में विनिर्दिष्ट अवधि की समाप्ति की तारीख से एक और वर्ष को अवधि के लिए अवधा तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उन थोकों में प्रवृत्त नहीं हो जाते, दोनों में से जो भी पूर्वतर हो, एतद्वारा छूट देती है।

अनुसूची

क्रम संख्या	जिले का नाम	थोक का नाम	कारखाने का नाम
(1)	(2)	(3)	(4)
1	आजमगढ़	आजमगढ़	1. मेसर्स श्री महावीर फिनिशिंग फैक्ट्री, सहादतपुर, मऊ नाथ भंजन, आजमगढ़। 2. मेसर्स अर्जुन टैक्सटाइल्स, गाजीपुर रोड, मऊनाथ भंजन, आजमगढ़।

(1)	(2)	(3)	(4)
2 बलिया	बलिया	मैसर्स सरस्वती आयरन एंड इंडस्ट्रीज, बलेश्वर घाट रोड, बलिया।	
3 बुलन्दशहर	खुर्जा	मैसर्स ए.ल.० जी.०, प्रोडक्ट्स) जंकशन रोड, खुर्जा।	
4 फैजाबाद	मसोदा	मैसर्स विष्णु इंडस्ट्रीयल एन्टर प्राइज़ लिमिटेड, मोतीनगर, रेल स्टेशन, मसोदा।	
	अफवरपुर फैजाबाद	मैसर्स गांधी आश्रम। मैसर्स केन्द्रीय कर्मशाला (नलकूप प्रभाग)।	
5 मथुरा	वृदावन	वृदावन पोर्सेने एण्ड इनेमाल इंडस्ट्रीज, उद्योगनगर	
6 मुजफ्फरनगर	शामली	मैसर्स स्वास्तक मेटल रोलिंग मिल्स, दिल्ली रोड।	
7 मेरठ	परतापुर	मैसर्स इलेक्ट्रो, बी-४, इंडस्ट्रीयल, एस्टेट।	
8 नैनीताल	लोहिया हैंड (पीलीभीत होकार)	मैसर्स शारदा विद्युत् गृह लोहिया हैं	
9 महारनपुर	रामनगर	मैसर्स ग्रीन लैंड सून्ह (प्रा०) लिमिटेड, देहरादून रोड।	
10 वाराणसी	मुगलसराय	मैसर्स भारतीय तेल निगम लि० अली नगर, जी० टी० रोड।	

[सं० फा० 602(14)/70-एच० आई]

S.O. 1529.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3838, dated the 26th October, 1970, the Central Government hereby exempts the Hindustan Shipyard Ltd., Visakhapatnam from the provisions of the said Act except chapter VA thereof for a further period of six months with effect from the 1st October, 1970 upto and inclusive of the 31st March, 1971.

[No. F. 6(30)/69-HI.]

का० आ० 1529.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अम, रोजगार और उन्नति भवान अम और रोजगार विभाग) की अधिसूचना सं० का० आ० 3838 तारीख 26 अक्टूबर, 1970 के क्रम में केन्द्रीय सरकार हिन्दुस्तान शिप्यार्ड लिमिटेड, विश्वामीष घट्टम को उक्त अधिनियम के उपबन्धों से उसके अध्याय 5-के उपबन्धों के सिवाय, छह मास की और

ग्रवधि के लिए प्रथम अक्तूबर, 1970 से 31 मार्च, 1971 तक, जिसमें वह दिन भी सम्मिलित है, एतद्वारा छूट देती है।

[सं० फा० 6(30)/69-एच० आई०]

S.O. 1530.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 705, dated the 13th February, 1970 the Central Government having regard to the location of the Central Dairy, Government Milk Supply Scheme, Poona in an area in which the provisions of Chapter IV and V of the said Act, are in force, hereby exempts the said Dairy from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 8th December, 1970, upto and inclusive of the 7th December, 1971.

[No. F. 601(67)/70-HI.]

का० आ० 1530.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 705, तारीख 13 फरवरी, 1970 के क्रम में केन्द्रीय सरकार केन्द्रीय डेरी, सरकारी दुग्ध प्रदाय स्कीम पूना की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त डेरी को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 8 दिसम्बर, 1970 से 7 दिसम्बर, 1971 तक जिसमें वह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० फा० 601(67)/70-एच०आई०]

S.O. 1531.—Whereas the Central Government is satisfied that employees of the Posts and Telegraphs Motor Service Workshop, Bombay, belonging to the Government of India in the Department of Communications, Posts and Telegraphs Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948).

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 371, dated the 22nd January, 1970 the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1971 upto and inclusive of the 14th January, 1972.

[No. 601/70/70/HI.]

का० आ० 1531.—यह: केन्द्रीय सरकार का समाधान हो गया है कि भारत सरकार के संचार डाक और तारबोर्ड की डाक और तार मोटर सेवा कर्मशाला बम्बई के कर्मचारी किसी न किसी किसी प्रकार से कर्मचारी राज्य बीम अधिनियम, 1948 (1948 का 34) के अधीन उपबंधित प्रसुविधाओं की सारतः समरूप प्रसुविधाएं प्राप्त करते हैं।

अतः अब उक्त अधिनियम की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० नि० 371, तारीख 22 जनवरी, 1970 के क्रम में केन्द्रीय सरकार, कर्मचारी राज्य बीम नियम से परामर्श करने के पश्चात् एतद्वारा ऊपर-वर्णित कारखाने, को 15 जनवरी, 1971 से 14 जनवरी, 1972 तक जिसमें वह दिन सम्मिलित है एक वर्ष की और अवधि के लिए उक्त अधिनियम के सभी उपबन्धों से छूट देती है।

[सं० 601(70)/70-एच०आई०]

S.O. 1532.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 368, dated the 22nd January, 1970 the Central Government having regard to the location of the Government Branch Press, Gulbarga in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 26th December, 1970 upto and inclusive of the 25th December, 1971.

[No. 601(72)/70-HI.]

का० आ० 1532.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 368, तारीख 22 जनवरी, 1970 के क्रम में केन्द्रीय सरकार सरकारी शाखा मुद्रणालय, गुलबंग की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त मुद्रणालय को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 26 दिसम्बर, 1970 से 25 दिसम्बर, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए इतद्वारा छूट देती है।

[सं० फा० 601(72)/70-एच० आई०]

S.O. 1533.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the Map Printing Factory, Survey Map Publication Office, Cuttack in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the 30th November, 1970, upto and inclusive of the 29th November, 1971.

[No. F. 602(50)/70-HI.]

का० आ० 1533.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भानचित्र मुद्रण कारखाना, सर्वेक्षण मानचित्र प्रकाशन कार्यालय, कटक की ऐसे क्षेत्र, में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने की उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 30 नवम्बर, 1970 से 29 नवम्बर, 1971 तक जिसमें वह दिन भी सम्मिलित है, एक वर्ष की अवधि के लिए इतद्वारा छूट देती है।

[सं० फा० 602(50)/70-एच० आई०]

S.O. 1534.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2796, dated the 7th August, 1970, the Central Government, being the appropriate Government, hereby exempts the 'regular establishment personnel' of the Government of India Extension Centre (Ministry of Industrial Development and Company Affairs), 151, Patel Road, Coimbatore for a period of one year from the 7th August, 1970 from the operation of the said Act, on the following condition, namely:—

1. that the aforesaid Extension Centre where the Employees are employed shall maintain a register showing the names and designations of the exempted employees;
2. that notwithstanding this exemption, the employees shall continue to receive such benefits under the said act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates.

[No. F. 6/82/69-HI.]

का० फा० 1534.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 88द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० फा० 2796 तारीख 7 अगस्त, 1970 को अधिकृत करते हुए, केन्द्रीय सरकार समुचित सरकार होने के नाते भारत सरकार विस्तारण केन्द्र (श्रौद्धोगिक विकास और कम्पनी कार्य मंत्रालय) 151 पटेल रोड, कोयम्बटूर के नियमित स्थापन कामिकों को उक्त अधिनियम के प्रवर्तन से 7 अगस्त 1970 से एक वर्ष की अवधि के लिए एतद्वारा निम्नलिखित शर्तों पर छूट देती है।

1 उपर्युक्त विस्तारण केन्द्र जहाँ कर्मचारी नियोजित है एक रजिस्टर रखेगा जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम दर्शित किए जाएँगे।

2 इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसे प्रसुविधाएं पाते रहेंगे जिन्हें वे उक्त तारीख से पूर्व संदत्त अभिदायों के आधार पर पाने के हकदार हो गए होते जिससे इस अधिसूचना द्वारा मंजूर की गई छूट प्रवृत्त होती है।

[सं० फा० 6/82/69-एच० आई०]

S.O. 1535.—Whereas the Central Government is satisfied that the employees of the Government Telegraph Stores, Bombay, belonging to the Government of India, in the Department of Communications, Posts and Telegraphs Board are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948, (34 of 1948).

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 366, dated the 22nd January, 1970 the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1971 upto and inclusive of the 14th January, 1972.

[No. F.801/70/70/HI.]

का० फा० 1535.—यतः केन्द्रीय सरकार का समाधान हो गया है कि भांति के संचार, डाक और तार बोर्ड के सरकारी तार स्टोर, बम्बई के कर्मचारी किसी न किसी प्रकार से कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबंधित फायदों के सारतः समरूप फायदे प्राप्त करते हैं।

अतः यब, उक्त अधिनियम की धारा 90 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० नि० 366, तारीख 22 जनवरी, 1970 के कम में केन्द्रीय सरकार, कर्मचारी राज्य बीमा नियम से परामर्श करते के पश्चात् एतद्वारा उपरि-वर्णित कारखाने के 15 जनवरी, 1971 से 14 जनवरी, 1972 तक जिसमें वह दिन भी सम्मिलित है एक वर्ष की और अवधि के लिए उक्त अधिनियम के सभी उपबंधों से छूट देती है।

[सं० फा० 601(70)/70-एच० आई०]

S.O. 1536.—In pursuance of clause (e) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952 the Central Government hereby appoints Shri R. N. Sharma as a member of the Regional Committee for the State of Bihar and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1380, dated the 4th July, 1953, namely:—

In the said notification, for the entry in the second column against serial number (10), the following entry shall be substituted, namely:—

"Shri R. N. Sharma, Vice President, Colliery Mazdoor Sangh, Polytechnic Road, Dhanbad."

[No. 12(7)04-P.F.I.I.]

का० आ० 1536.—कर्मचारी भविष्य निधि स्कीम 1952 के पैरा 4 के उपर्युक्त (1) के अंडे (उ) के अनुसरण में केन्द्रीय सरकार श्री आर० एन० शर्मा को बिहार राज्य की क्षेत्रीय समिति के सदस्य के रूप में मैं एनद्वारा नियुक्त करती है और भारत सरकार के भूतपूर्व श्रम मंत्रालय की अधिसूचना सं० का० नि० आ० 1380, तारीख 1 जूलाई, 1953 में और आगे निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में स्तम्भ 2 में क्रम संख्या (10) के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रनिष्ठापित की जाएगी, अर्थात् :—

“श्री आर० एन० शर्मा,

उपाध्यक्ष,

कोलियरी मजदूर संघ,

पालीटेक्निक रोड, धनबाद।”

[सं० 12(7)/64-पी० एफ०-2]

S.O 1537.—In exercise of the powers conferred by section 73F of the Employee's State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2658, dated the 26th June, 1969, the Central Government having regard to the location of the factories specified in column 4 of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Kerala in which the provisions of Chapters IV and V of the Act are in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 26th June, 1970 upto and inclusive of the 25th June, 1971.

SCHEDULE

Sl. No.	Name of District	Name of area	Name of the factory
1	2	3	4
1	Ernakulam	Edappally North Thiruvankulam	Metal Box and Company of India Ltd. Messrs High Temperature Refractories and Clay Works,
2	Trichur	Choondal	St. Joseph's Tile Works,
3	Trivandrum	Pangappara	Metropolitan Instruments Limited.

[No. F602(25)/70-Ht]

का० आ० 1537.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के थम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2658, तारीख 26 जून, 1969 के अनुक्रम में केन्द्रीय सरकार इससे उपाबद्ध अनुसूची के स्तम्भ (3) में विनिर्दिष्ट, केरल राज्य के उन क्षेत्रों में के जिनमें अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, उन कारखानों की जो उक्त अनुसूची के स्तम्भ (4) में विनिर्दिष्ट हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को 26 जून, 1970 से 25 जून, 1971 तक की जिम्मेदारी यह तारीख भी समिलित है, एक वर्ष की प्रतिरिक्त अवधि के लिए उक्त अधिनियम के अध्याय 5 के अधीन उद्दृष्टीय नियोजक के विशेष अधिदाय के मंदाय से एतद्वारा छूट देती है।

प्रत्यक्षी

क्रम सं०	जिले का नाम	धेनुक का नाम	कारखाने का नाम
(1)	(2)	(3)	(4)
1	एनीकुलम	उत्तर एड़ापल्ली थिरुवांकुलम	मेटल बाक्स एण्ड कम्पनी आफ इंडिया लिमिटेड। मेसर्स हाईटेम्परेचर रिफेक्ट्रीज एण्ड क्ले वर्क्स।
2	तिचुर	चुन्दल	सेन्ट जोसफ्स टाइश वर्स।
3	तिवेश्वरम्	पगापरा	मेटरोपोलिटन इन्स्ट्रूमेन्ट लिमिटेड।

[सं० फा० 602 (25) / 70-एच० आर्द्ध०]

S.O. 1538.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts regular employees of the Central Stores and Supply Division, Delhi belonging to the National Seeds Corporation Limited, New Delhi, from the operation of the said Act except Chapter VA thereof, for the period with effect from 1st July, 1969 upto and inclusive of the 30th June, 1971.

2. The above exemption is subject to the following conditions, namely:—
- (1) that the aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
 - (2) that notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of contributions paid prior to the date from which the exemption granted by this notification operates;
 - (3) that the contributions for the exempted period, if already paid, will not be refunded.

[No. F.602(42)/70-HI.]

का० आ० 1538.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की तरा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राष्ट्रीय बीज नियम लिमिटेड, (ई दिल्ली के केन्द्रीय भण्डार और आपूर्ति डिविजन, दिल्ली के नियमित कर्मचारियों को 1 जूलाई, 1969 से 30 जून, 1971 तक की, जिसमें यह तारीख भी सम्मिलित है, अवधि के सिए उक्त अधिनियम के, अध्याय 5क को छोड़ कर, प्रवर्तन से एतद्वारा छूट देती है।

2. उपर्युक्त छूट नियन्त्रित गतीय के अधीन दी जाएगी, अर्थात् :—

- (1) पूर्वोक्त कारखाना जिसमें कर्मचारा नियुक्त किये जाते हैं, एक रजिस्टर रखेगा जिसमें उन कर्मचारियों के नाम और पदनाम दर्शित किए जाएंगे जिनको छूट प्राप्त है;
- (2) इस छूट के होते हुए भी कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं पाते रहेंगे जिन्हें प्राप्त करने के बे उन अधिदायों के आधार पर हक्कावार हो जाते जो उस तारीख से पूर्वी संदर्भ किए गए थे जिस तारीख से इस अधिनियम द्वारा मंजूर की गई छूट प्रवृत्त होसी है;
- (3) उस अवधि के अधिदाय, जिसके लिए छूट दी गई है, यदि पहले ही संबत्त कर दिए हैं तो, बापस नहीं किए जाएंगे।

[सं० फा० 602 (42) / 70-एच० आर्द्ध०]

S. O. 1539.—In exercise of the powers conferred by section 73F of the Employee's State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specific in column (3) of the said Schedule in the State of Kerala in which the provisions of Chapters IV and V of the Act are in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in those areas, whichever is earlier.

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the Factory
1	2	3	4
1	Cannanore	Balla	Messrs. Kallathra Wood Industries
2	Ernakulam	Poonithura	Messrs. Sree Murugan Industries
3	Kottayam	Perumbaicad	Messrs. St. Thomas Timber Depot.
		Changanacherry	Messrs. Victory Match Factory.
4	Kozhikode	Azhiyur	Messrs. FACT Regional Mixing Centre.
		Malappuram	Messrs. 66 K. V. Sub-Station, K. S. E. Board.

[No. 602(25)/70-HI]

सूत्रों 1539.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की द्वारा 73व द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, इससे उपाबद्ध अनुसूची के स्तम्भ (3) में विनिर्दिष्ट केरल राज्य के उन थोकों के, जिनमें अधिनियम के अध्याय 4 और 5 के उपबन्ध पृत् 1, उन कारखानों की, जो उक्त अनुसूची के स्तम्भ (4) में विनिर्दिष्ट हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को इस अधिसूचना के आसकीय राजपत्र में प्रकाशन की तरीख से एक वर्ष की अवधि तक के लिए, या उक्त अधिनियम के अध्याय 5क के उपबन्धों के प्रवर्तन तक के लिए, जो भी पहले हो, उक्त अधिनियम के अध्याय 5क के अधीन नियोजक के विशेष अभिनवदाय के संदाय से एतद्वारा छूट देती है।

अनुसूची

क्रम संख्या	जिले का नाम	थोक का नाम	कारखाने का नाम
(1)	(2)	(3)	(4)
1	कन्नानोर	बाल्ला	मेसर्स कल्लाथरा वुड इण्डस्ट्रीज
2	एनकुलम	पूनीथुरा	मेसर्स श्री मरुगन इण्डस्ट्रीज।
3	कोट्टयम	पेरुम्बैकाड़	मेसर्स सेन्ट थोमस टिम्बर, डिपो।
		चंगनाचेरी	मेसर्स विकटी मैच फैक्ट्री।
4	कोजीकोड़े	एजीयुर	मेसर्स फैक्ट रीजनल मिल्सिंग सेन्टर।
		मासापुरम	मेसर्स 66 के० बी० सब-स्टेशन के० एस० ई० बोर्ड।

[सूत्रों 602 (25)/70-एच० आई०]

S.O. 1540.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1342, dated the 3rd April, 1970 the Central Government having regard to the location of the factory, namely Depots at Tondiarpet, Adyar, Tyanavaram, Tiruchirapalli and Coimbatore belonging to Madras State Transport Department, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 24th March, 1971 upto and inclusive of the 23rd March, 1972.

[No. F.801(4)70-HI.]

DALJIT SINGH, Under Secy.

का० आ० 1540.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 1342 तारीख 3 अप्रैल, 1970 के क्रम में केन्द्रीय सरकार मद्रास राज्य परिवहन विभाग के तौरेंडियारपेट, अश्वर, अग्रनवरम् तिरुचिरापल्ली और कोयम्बटोर में डिपो नामक कारखाने की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अधार्य 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5-क के अधीन उद्घारणीय नियोजक के विशेष अभिदाय के संदाय से 254 मार्च, 1971 से 23 मार्च, 1972 तक जिस में वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० का० 601 (4)/70—एच० आई०

दलजीत सिंह अ० र सचिव ।

(Department of Labour and Employment)

New Delhi, the 27th March 1971

S.O. 1541.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 22nd March, 1971.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI
PRESENT:

Shri R. K. Baweja, Central Government Industrial Tribunal, Delhi.

4th March, 1971/13th Phalgun 1892 (S)

C.G.I.D. No. 1 OF 1971

BETWEEN

The employers in relation to the Punjab National Bank.

AND

Their workmen.

Shri H. C. Jain—for the management.

Shri C. L. Bhardwaj—for the workman.

AWARD

The Central Government, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), was pleased to refer the following industrial dispute for adjudication to this Tribunal existing between

the employers in relation to the Punjab National Bank and their workmen vide Order No. 23/74/70-LRIII, dated 10th December, 1970:—

"Whether the action of the management of the Punjab National Bank, New Delhi in reverting Shri H. L. Chopra from the post of Teller to that of a clerk with effect from the 20th July, 1969 was justified? If not, to what relief is Shri Chopra entitled?"

2. When the case came up today for hearing before me, Shri C. L. Bhardwaj, authorised representative of the workman, made a statement that as the workman concerned had been promoted as special assistant, a no dispute award be passed. Shri H. C. Jain who appeared on behalf of the management had no objection to the passing of a no dispute award. A no dispute award is, therefore, passed accordingly.

(Sd.) R. K. BAWEJA,

4th March, 1971.

Central Government Industrial Tribunal, Delhi.

[No. 23/74/70/LRIII.]

S.O. 1542.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the Canara Banking Corporation Limited and their workmen, which was received by the Central Government on the 22nd March, 1971.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2,
BOMBAY.**

REFERENCE No. CGIT-2/7 OF 1970

Employees in relation to the Canara Banking Corporation Limited

AND

Their workmen

PRESENT

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employers, Shri B. N. Srikrishna, Advocate, Shri R. Krishna Murthy Iyer, Labour Law Officer.

For the Workman.—Shri M. P. Menon and Shri M. Ramachandran, Advocates.

INDUSTRY: Banking

STATE: Kerala

Bombay, dated the 27th February, 1971

AWARD

By Order No. 23[17]70[LRIII dated 11th May, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the Canara Banking Corporation Limited and their workmen in respect of the matters specified in the Schedule mentioned below:—

SCHEDULE

"Whether the management of Canara Banking Corporation Limited, Mangalore is justified in not extending the following benefits to Shri K. K. Kumaran, Night Watchman in its Trichur Branch? If not, to what relief is he entitled and from what date?

- (i) Weekly Holiday.
- (ii) Eight National/Festival Holiday in a calendar year.
- (iii) Overtime allowance.
- (iv) Free supply of uniform and shoes, and
- (v) Washing allowance."

2. The facts giving rise to this reference are as follows:—

3. The Canara Banking Corporation Limited (hereinafter referred to as 'the Bank') has got a branch at Trichur. In this branch there were two officers and eight workmen.

4. Shri K. K. Ramakrishnan is a peon working in Trichur branch of the Bank since 1947.

5. The employees working in this branch of the Bank formed a Union in November, 1967 appointing Shri Ramakrishnan as Branch Secretary. The name of this Union is Canara Banking Corporation Employees Union Branch Unit (hereinafter referred to as 'the Union'). The head office of the union is at Bombay.

6. Shri K. K. Kumaran was a Night Watchman in the Bank. On 14th May, 1969 some workman from the Bank made a complaint to the Branch Secretary Shri Ramakrishnan that Shri Kumaran was not getting the benefits to which a watchman is entitled (*vide* complaint Ex. 6/W). On the receipt of this complaint, the union made a complaint to the Bank on 6th August, 1969 (*vide* copy Ex. 8/W) regarding the benefits not being given to Shri Kumaran. In spite of this complaint the Bank did not take any steps to redress the grievances of Shri Kumaran. The Union, therefore, wrote a letter to the Regional Labour Commissioner (C), Ernakulam on 16th October, 1969 (*vide* Copy Ex. 9/W). It also sent a clarification statement to the Regional Labour Commissioner (C) Ernakulam on 1st November, 1969 (*vide* copy Ex. 10/W).

7. It appears that the Assistant Labour Commissioner (C) Ernakulam tried to bring about conciliation between the Bank and the employees, but in vain. He therefore, submitted his failure of conciliation report to the Government on 14th February 1970 (*vide* copy Ex. 11/W).

8. On the receipt of the failure of conciliation report by the Government the present reference was made to this Tribunal for adjudication.

9. On receipt of this reference notices were sent to the parties to file their written statements. In pursuance of the notice, parties have filed their written statements and rejoinders.

10. Shri K. K. Ramakrishnan, Branch Secretary of the Union representing the workman has filed written statement on 16th June, 1970, at Ex. 1/W, received in this Tribunal on 19th June, 1970, rejoinder Ex. 4/W dated 30th November, 1970 and additional rejoinder Ex. 22/W dated 18th February, 1971.

11. According to him:—

(i) Shri K. K. Kumaran was appointed as Night Watchman in 1958. His 'M' number is 226. His designation shown in the acquittance roll is 'Night Watchman'. He was regularly signing the attendance register. His pay has been fixed in terms of Bank Awards/Bipartite settlements at applicable to watchman. His increments and allowances are allowed on the basis of Awards and Settlements. He was getting Bonus and Provident Fund like the other employees. He was signing the attendance register every day, from 1st April, 1958 to 15th April, 1970.

(ii) Shri Kumaran was a watchman, but he was not given the benefits mentioned in the reference. There is no justification whatsoever for denying the benefits to him. He should be given these benefits with retrospective effect. These benefits are being given in other branches of the Bank.

(iii) Claim for weekly holidays is recognised by the Shops Act applicable in the Kerala State as well as by the Bipartite settlement.

(iv) As other employees are given National/Festival holidays Shri Kumaran was entitled for such holidays under the Bipartite settlement and also under the Shops Act.

(v) Working hours of Shri Kumaran were from 6 p.m. to 7 a.m. Every day he was on duty for 13 hours. He is therefore, entitled to overtime payment for the extra 5 hours put in every day.

(vi) As per provisions of Shastri and Desai Awards and Bipartite settlement he is entitled to uniform and shoes. He is also entitled to washing allowance. In fact he was given washing allowance till February, 1962. It is only thereafter the same was denied to him.

- (vi) The Bank's contention that Shri Kumaran did not belong to the Watch and Ward staff and he was merely a care taker sleeping on the premises of the Bank during the night time is not correct.
- (vii) The dispute was sponsored by the workmen of the employer. Shri Kumaran's claim was supported by other workmen in the establishment and it was only after such support that the Union sponsored his case. At the time of reference a substantial section of the workmen in the establishment had supported Shri Kumaran's case.
- (viii) Shri Kumaran was not employed as a area care-taker. He was not employed for sleeping, but he was employed as Night Watchman with fixed hours of working. Shri Kumaran is a Watchman within the meaning of Awards and Bipartite Settlements. He is therefore entitled for free supply of uniforms and shoes, washing allowances and all other benefits.
- (ix) The claims made on behalf of Shri Kumaran are neither belated nor stale. The Industrial Disputes Act does not provide for any limitation and it is settled law that where the statute provides for no limitation, courts cannot read into its provisions any principle of limitation. Even assuming that there is delay, the matter is one of discretion for the Tribunal. The claim relates to a single employee and would involve no risk to industrial peace or unsettling effect on the employer's financial arrangement, even if allowed. The employer cannot be heard to contend that each and every employee should rush to the industrial court for enforcing his claims without exhausting other remedies. The facts and circumstances of the case would also show that there were no deliberate latches on the part of the workmen.
- (x) The Branch Secretary is a party to the reference and is competent to sign the claim statement. It is settled law that even a group of workmen can validly raise a dispute without the intervention of a Trade Union. If the employees of the Trichur Branch had chosen to form themselves into a group and to sponsor and proceed with the dispute by authorising the Branch Secretary to act for them, there is nothing illegal in permitting him to do so.

11. The Bank has filed written statement as Ex. 2/E.

12. According to the Bank:-

- (i) The Union, which has raised the present dispute is not a trade union of employees connected with the workmen of the Canara Banking Corporation Ltd. The said Union has no *locus standi* in law to raise a dispute on behalf of Shri K. K. Kumaran, who is a workman of the employer Bank. The dispute of Shri Kumaran is merely an industrial dispute and does not amount to an industrial dispute as defined in Section 2(k) of the Industrial Disputes Act, 1947. This reference is, therefore, bad in law, incompetent and void *ad initio*.
- (ii) Shri K. K. Kumaran joined the service in the Bank on 1st April, 1958. He has chosen to demand the benefits only in the year 1969, July i.e., after a lapse of eleven years. It is a well accepted principle of industrial adjudication that over-state claims should not be encouraged or allowed. Apart from the obvious risk to industrial peace from the entertainment of claims after a long lapse of time, it is necessary also to take into account the unsettling effect that would have on Bank's financial arrangements. In view of this, Shri Kumaran's demand after such an inordinate delay (after eleven years) is both unreasonable and unjustified and therefore his demand be rejected on the grounds of delay and latches.
- (iii) The claims statement dated 16th June, 1970 in the instant case is signed by the Branch Secretary of the Union, which is opposed to law and it is not within his powers to do so. Hence the claim statement is liable to be rejected.
- (iv) Shri K. K. Kumaran was appointed as a care taker of the Trichur Branch Office with effect from 3rd April, 1958. Although he has been wrongly described as a night watchman his duties were not that of a watchman at all. His duties were to take care of the Bank premises during the night by sleeping on the premises of the Bank. He was given the custody of one of the keys of the main door

of the Bank premises and he used to come and sleep on the premises after the bank hours and after the office staff of the Bank had left the office. In the morning Shri Kumaran used to leave the premises even earlier than the opening time of the Bank. Shri Kumaran was not required to hand over charge to any other watchman or officer of the bank as would normally be expected of night watchman on duty. He was wrongly described as night watchman.

- (v) It is literally true that Shri Kumaran has signed the Attendance register every day from 1st April, 1958 as can be seen from the Attendance Register. He has signed in the Attendance Muster even on non-existing days, Sundays and holidays also.
- (vi) It is true that Shri Kumaran is being paid the same wages as were paid to the other watchman of the Bank. But this does not in any way make Shri Kumaran a Watchman within the meaning of the Bank Award and the Bipartite settlements which have fixed the wages and other conditions of service of watchman. Shri Kumaran was paid a special allowance of Rs. 3/- per month and washing allowance of Re. 1/- per month. Shri Kumaran has also been paid Bonus and Provident Fund.
- (vii) As Shri Kumaran is not employed as Watchman he is not entitled to any of the benefits and amenities as are allowed to the Watchman under Bank Awards and the Bipartite Settlements. The Bank had however, for some time voluntarily paid washing allowance to Shri Kumaran.
- (viii) Shri Kumaran is not entitled to weekly holidays and festival holidays as are given to the employees of the Bank.
- (ix) There was no fixed time at which Shri Kumaran was to report for duty. It is not true that Shri Kumaran used to attend duty from 6.00 p.m. to 7.00 a.m. and that he used to be on duty for 13 hours every day. It is not correct that Shri Kumaran has put in five hours overtime everyday and that he is entitled to overtime payment on that account.
- (x) Shri Kumaran is not entitled to the benefits of uniforms and shoes as given by the Bank Awards and Bipartite Settlements as he is not a member of the Watch and Ward staff.
- (xi) It is true that even during the conciliation stage the Bank had contended that Shri Kumaran did not belong to the Watch and Ward staff and he was merely a care taker who was sleeping on the premises of the Bank during night times and as such he was not entitled to any of the benefits to which the members of the Watch and Ward staff of the Bank are entitled. The contention of the Union that Shri Kumaran is a member of the subordinate staff or that there could not be any special terms and conditions of service applicable to him outside the purview of the Awards and Settlements is completely misconceived and untenable.

13. Points for consideration are as follows:—

- (i) Whether the reference is tenable?
- (ii) Is Shri Kumaran entitled to the benefits of:—
 - (a) Weekly holiday,
 - (b) Night National/Festival Holidays in a calendar year,
 - (c) Overtime allowance,
 - (d) Free supply of uniforms and shoes; and
 - (e) Washing allowance?
- (iii) If yes, from what date?
- (iv) To what relief is Shri Kumaran entitled?
- (v) What Order?

14. My findings are as follows:—

- (i) Yes.
- (ii) Yes.

- (iii) (a) Shri Kumaran is entitled for weekly holidays and Eight National Festival Holidays in a calendar.
(b) year from the date of his joining the service of the Bank as Night Watchman.
(c) Shri Kumaran is entitled to overtime allowance for overtime work done by him from the date of his joining service.
(d) Shri Kumaran is entitled to free supply of shoes from the year 1969,
(e) Shri Kumaran is entitled to washing allowance and uniforms from 1st March, 1962.
(iv) Shri Kumaran is entitled to get the benefits to which he is entitled computed in terms of money by filing application under Section 33C(2) of the Industrial Disputes Act, 1947.
(v) As per order.

Reasons

Point No. (1):

15. The learned Advocate for the Bank contends that the present dispute is an industrial dispute between the Bank and Shri Kumaran and that it is not an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act, 1947 and that on account of this the present reference is bad in a law incompetent and void *ab initio*. In support of this contention he relies on Section 2(k) of the Industrial Disputes Act, 1947 and some rulings of High Courts and Supreme Court, viz.,

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|-----------------------------|--|
| (i) 1960,I,LLJ, page 53 | Between Sri Kripa Printing Press and Labour Court and another. |
| (ii) 1960,I,LLJ, page 349 | Between Murugan Transport and its workers and another. |
| (iii) 1961,II,LLJ, page 436 | Between Bombay Union of Journalists and others and the 'Hindu' Bombay and another. |
| (iv) 1965,I,LLJ, page 489 | Between P. M. Murugappa Mudaliar Hathina Mudallar & Sons by M. Muniswamy, partner) and Raju Mudaliar (P) and others. |
| (v) 1968,II,LLJ, page 723 | Between Tirupathi Cotton Mills Ltd. and Labour Court, Guntur and another. |

16. In view of the rulings referred to above and having regard to the provisions of Section 2(k) of the Industrial Disputes Act, 1947, there can be no doubt that an individual dispute is not an 'industrial dispute' and that a reference in respect of such dispute is not tenable.

17. It is, however, well settled that a dispute between individual workman and the management can become an industrial dispute when the dispute is sponsored by his union or as number of workers.

18. In the present case, the validity of the reference relating to single workman is challenged on the ground that what is referred is only an individual dispute and not an 'industrial dispute'. Hence it is for the workman Shri Kumaran to show that his cause has been sponsored by his Union or by a number of workmen of his class.

19. Shri Kumaran's contention is that his dispute has been sponsored by substantial number of workmen working in the Trichur Branch of the Bank. In support of this contention he relies on his evidence Ex. 24/W, the evidence of the Branch Secretary of the Union Ex. 23/W, evidence of and the resolution of the workman Ex. 68/W dated 14th May, 1969.

20. In the first place it appears from the evidence of Shri K. K. Ramakrishnan, Ex. 23/W that at the relevant time, there were 8 employees in the Bank at Trichur branch. Out of them 7 were members of the Union. He was appointed as Branch

Secretary of the Union in November, 1967, when the Union came into existence. On 14th May 1969 he received a complaint Ex. 6/W from the workmen of the Bank that Shri Kumaran was not getting the benefits to which a Watchman was entitled and that steps should be taken. Shri Ramakrishnan, Ex. 23/W knows S/shri C. A. Paul, P. R. D. Kamat and K. Achuta Warrier, who are the workmen in the Trichur Branch of the Bank. He knows their signatures. His evidence proves the resolution Ex. 6/W dated 14th May 1969 given to him by these 3 workmen. Shri K. K. Kumaran is the affected workman and Shri Ramakrishnan who is a peon in the Bank at Trichur Branch is the Branch Secretary. There can be therefore no doubt that substantial number of workmen out of the total number of employees working at Trichur branch of the bank had sponsored the cause of Shri Kumaran.

21. Shri V. Sadanand Pai, Ex. 25/E is the Accountant in the Trichur Branch of the Bank, since 1960. For sometime he was working as Agent. His evidence shows that there are 85 branches of the Bank all over India and that there are about 900 employees in all the branches of the Bank. According to him in Trichur Branch, there were two officers and eight workers.

22. The learned Advocate for the Bank contends that only few employees from Trichur branch of the Bank have sponsored the cause of Shri Kumaran and that it cannot be said that substantial number of workmen out of the total number of employees numbering 900 employed by the bank and sponsored the cause. I am unable to accept this contention.

23. For finding out whether substantial number of workmen had sponsored the cause of Shri Kumaran or not one has to take only the number of employees working in Trichur Branch of the Bank, where Shri Kuraman was working, into consideration. It is only these employees working in Trichur Branch of the Bank who can be said to be directly and substantially interested in the dispute.

24. The learned advocate for the Bank contends that the workman has to show that the resolution Ex. 6/W was made on 14-5-1969 i.e. before the Government machinery was moved by a letter dated 16-10-1969 (Ex. 9/W) and by subsequent letter (Ex. 10/W) and that the workman in the present case has failed to prove this, because he has not examined the signatories to Ex. 6 W, though they are in the employment of the Bank at Trichur Branch even today.

25. It is not necessary to examine the signatories to Ex. 6/W to prove it. Shri Ramakrishnan Branch Secretary, Ex. 23/W has proved their signatures. His evidence prove beyond any shadow of doubt the Ex. 6/W was given to him on 14-5-1969. There is no reason to doubt the genuineness of the resolution Ex. 6/W.

26. From the evidence of Shri Ramakrishnan, Ex. 23/W, and resolution Ex. 6/W, I am satisfied that Shri Kumaran's cause was sponsored by a substantial number of workmen of the Bank, working in Trichur Branch of the Bank. Hence the present individual dispute has acquired the character of the industrial dispute.

27. On the admission of Shri Ramakrishnan, Ex. 23/W, it is clear that the Union at Trichur Branch is not registered. It is contended that as the Union is not registered, this reference is bad in law. This contention cannot be accepted.

28. It has been held in the case of Newspapers Limited, Allahabad and State Industrial Tribunal, Uttar Pradesh and others, reported in 1960 II. LLJ, Page 37, by their Lordships of the Supreme Court that 'it is not necessary that registered body should sponsor a workman's case to make it an industrial dispute. Once it is shown that body of workmen, either acting through their union or otherwise, had sponsored a workman's case it becomes an industrial dispute'.

29. In the present case, the evidence of Shri Ramakrishnan, Ex. 23/W, who has impressed me as a witness of truth and whom I believe clearly proves that the present dispute was sponsored by a substantial number of workmen working at Trichur Branch of the Bank, through him. All of them are the members of the Union. I, therefore, hold that the present reference is not bad in law simply because the Union is not registered.

30. The learned Advocate for the Bank contends that in as much as the grievances of Shri Kumaran is regarding non-implementation of the Award or settlement it cannot fall under the definition of industrial dispute and the reference is bad in law. In support of this contention he relies on 1963 II. LLJ, page 153 in the case between Graham Trading Company (India) Ltd. and second Industrial Tribunal, West Bengal and others (in the High Court of Judicature at Calcutta).

31. This ruling is as follows:—

"(1) Non implementation of an award does not fall within the definition of industrial disputes. The Industrial Disputes Act contains a provision for penalty for breach of settlement or award and also a provision for recovery of money due from an employer under a settlement or award. Therefore, if the petitioner-company was guilty of non-implementation of the award made by the Labour Appellate Tribunal as affirmed by the Supreme Court the petitioner-company should have been proceeded against either under S. 29 or S. 33C(1) of the Industrial Disputes Act, but the matter should not have been referred to an industrial tribunal for adjudication."

32. From the pleadings on record it cannot be said that the Bank admits the position that certain settlements and Awards apply to Shri Kumaran and that no one is entitled to the benefits claimed on the basis of Awards and Settlements. The Bank's defence is that as Shri Kumaran was a care taker of the Trichur Branch office and not watchman, he is not entitled to any benefits. As Shri Kumaran's right to benefits claimed in the reference is challenged, his benefits could not have been computed in terms of money under Section 33C(2) of the Industrial Disputes Act, 1947. The only remedy of Shri Kumaran in such circumstances was to raise an industrial dispute.

33. In the case reported in 1969, II, LLJ, page 728, between the Uttar Pradesh Electric Supply Company Ltd., and Shukla (R.K.) and another, their Lordships of Supreme Court have held as follows:—

"Prima facie disputes relating to retrenchment of workmen and closure of the establishment fall within the exclusive competence of the industrial tribunal by virtue of S.4B read with item 10 of Sch. II to the Uttar Pradesh Industrial Disputes Act and not within the competence of the labour court constituted under S.4A of the Act. The dispute clearly raised the question whether there was retrenchment of workmen which would give rise to liability to pay compensation. Such dispute was exclusively within the competence of the industrial tribunal by virtue of item 10 of Sch. II to the Uttar Pradesh Industrial Disputes Act and is not within the competence of the Labour court. The judgment of the Supreme Court in East India Coal Company Ltd. (By Chief Mining Engineer) Bararee Colliery, Dhanbad v. Rameshwari and others (1969-I LLJ 6) clearly indicates that in order that a claim may be adjudicated upon under S.33C(2) there must be an existing right and the right must arise under an award, settlement or under the provisions of Chap. V-A or it must be a benefit provided by a statute or a scheme made thereunder and there must be nothing contrary under statute or S.33C(2). But the possibility of a mere claim arising under Chap V-A is not envisaged in the said decision as conferring jurisdiction upon the labour court to decide matters which are essentially within the jurisdiction of the industrial tribunal. The legislative intention disclosed by Ss. 33C(1) and 33C(2) is fairly clear. Under S.33C(1), where any money is due to a workman from an employer under a settlement or award or under the provisions of Chap-V-A, the workman himself or any other persons authorised by him in writing in that behalf may make an application to the appropriate Government to recover the money due to him. Where the workman who is entitled to receive from the employer any money or benefit which is capable of being computed in terms of money applies in writing before the labour court may under S.33C(2) decide the question arising as to the amount of the money due or as to the amount at which such benefit shall be computed. Section 33C(2) is wider than S.33C(1). Matters which do not fall within the terms of S. 33C(1) ... if the workman is shown to be entitled to receive the benefits falling within the terms of S.33C(2). If the liability arises from an award, settlement or under the provisions of Chap. V-A or by virtue of a statute or a scheme made thereunder mere denial by the employer may not be sufficient to negative the claim under S.33C(2) before the labour court.

Where however the right to retrenchment compensation which is the foundation of the claim is itself the matter which is exclusively within the competence of the industrial tribunal to be adjudicated upon on a reference, it would be straining the language of S.33C(2) to hold the question whether there has been retrenchment may be decided by

the labour court. The power of the labour court is to compute the compensation claimed to be payable to the workman on the footing that there has been retrenchment of the workman. Where retrenchment is conceded and the only matter in dispute is that by virtue of S.25FF no liability to pay any compensation has arisen, the labour court will be competent to decide the question. In such a case the question is one of computation and not of determination of the conditions precedent to the accrual of liability. Where however the dispute is whether workmen have been retrenched and computation of the amount is subsidiary or incidental, the labour court will have no authority to trespass upon the powers of the tribunal with which it is statutorily invested."

34. Relying on this principle I hold that the present reference is not bad in law.

35. The learned advocate for the Bank contends that the workman has raised the present dispute after 11 years, that there is no reasonable explanation for delay and that on account of this, this reference be not encouraged. In support of this contention he relies on 1964, I, LLJ, page 622 in the case between Vazir Sultan Tobacco Company Ltd., Hyderabad and State of Andhra Pradesh and others (In the High Court of Judicature, Andhra Pradesh).

36. This ruling lays down as follows:—

"A workman was dismissed in October, 1957. The dispute in regard to his dismissal was taken up by 104 co-workmen out of 2,170 workmen in the establishment. It was espoused by a union of which workmen in other similar establishments were members. After a delay of 4-1/2 years the dispute in regard to the dismissal of the employee was referred for adjudication.

Allowing the writ of prohibition preferred by the employer-company and directing the labour court not to proceed with the reference, held:

The inordinate delay in making the reference was both unreasonable and unjustified."

37. It is true that inordinate delay in making reference is unreasonable and unjustified but each case has to be considered on its own facts and circumstances

38. In the present case, Shri Kumaran joined the service on 1st April, 1958. He made the demand on 25th July, 1969. It means that the dispute was raised after 11 years.

39. Admittedly, Shri Kumaran was working as Watchman. He was not knowing to what right he was entitled. No Union was functioning at Trichur Branch of the Bank. The Union came into existence only in 1961. The employees working at Trichur Branch were not organised. The Branch Secretary of the Union is a peon. He was not also aware of all rights to which a watchman was entitled. In view of these peculiar facts and circumstances of the case do not think that this reference should be thrown away on the ground of lateness and delay. There is no bar of limitation for raising an industrial dispute. In my opinion this is a fit case which should be considered, even though the demand has been made after 11 years. I, therefore, negative the contention of the Bank in this respect.

40. The learned advocate for the Bank contends that written statement of the Union, dated 16th June, 1970 is signed by the Branch Secretary of the Union without authority and that the same be rejected. There is no substance in this contention.

41. In the present case some workmen working in Trichur Branch of the Union approached the Branch Secretary Shri Ramakrishnan and requested him to take up the cause of Shri Kumaran by giving complaint Ex. 1/W dated 16th June, 1970. By giving this complaint and making a request to Shri Ramakrishnan to raise a dispute on behalf of Shri Ramakrishnan Kumaran, they have authorised him to take all steps in this litigation including signing written statement etc on behalf of the employees working in the Branch office of the Bank. As he was authorised to raise the dispute, I am unable to accept the contention of the Bank that Shri Ramakrishnan had no authority to sign the written statement. Hence the written statement Ex. 1/W cannot be rejected.

42. In view of the above findings on technical objection raised by the Bank I held that this reference is tenable and that this Tribunal has jurisdiction to entertain the reference as the dispute referred to this Tribunal is an industrial

dispute within the meaning of Sec. 2(k) of the Industrial Disputes Act, 1947. Hence my finding on Point No. (i) is in the affirmative.

Point No. (ii):

43. As regards benefits claimed by Shri Kumaran, the Bank in its written statement Ex. 2/W contends that as Shri Kumaran was appointed as caretaker at Trichur Branch with effect from 3rd April, 1958 and as he has never been treated as watchmen covered by the Award and is not entitled to any of the benefits and amenities which are available to the Watchmen under the Bank Awards and Bipartite Settlements.

44. Even during the conciliation proceedings the Bank had taken the stand that as Shri Kumaran did not belong to the Watch and Ward staff and that he was merely a caretaker who was sleeping on the premises of the Bank during night time and as such he was not entitled to any of the benefits to which the members of the watch and ward staff of the Bank are entitled.

45. On the admission given by the Bank in Ex. 2/E it is crystal clear that (1) weekly holidays and festival holidays are given to the employees of the Bank and that (2) free supply of uniforms and shoes and washing allowance are given to the watchmen of the Bank under the Bank Awards and Bipartite settlements.

46. The Bank is denying the benefits claimed by Shri Kumaran to him on the ground that he is not a watchman. If it is proved that he is a watchman, he will be automatically entitled to all benefits.

47. In view of the contention raised by the Bank in Ex. 2/E, regarding Shri Kumaran's designation and duties, it is necessary to find out whether Shri Kumaran was a caretaker in the Trichur Branch of the Bank and whether he was designated as Night watchman through mistake.

48. The Bank has not produced the appointment order or letter under which Shri Kumaran was appointed as caretaker in its Trichur Branch. It has not adduced any evidence to show that Shri Kumaran was wrongly designated as night Watchman. On the other hand the Bank's witness Shri Pai, Ex. 25/E has given certain admissions in his evidence, which go against the Bank.

49. According to Shri Pai he is working in the Trichur Branch of the Bank since May, 1960. For some time he was working as Agent. He knows that Shri Kumaran's designation was Night Watchman in Trichur Branch. Whenever there was revision of pay, Shri Kumaran's pay was revised on the basis that he was a Night Watchman. He was paid bonus. There is no other Watchman in Trichur Branch. Shri Pai, Ex. 25/E also states that he does not know whether there is a category of caretaker in the Bank, but there is no such category in Trichur Branch. In view of these admissions there cannot be any doubt that Shri Kumaran was not a caretaker in Trichur Branch as contended by the Bank in Ex. 2/E. In the absence of appointment order regarding Shri Kumaran, on record, it cannot be said that Shri Kumaran was appointed as caretaker in Trichur Branch since April, 1958 and that he was wrongly described as Night Watchman.

50. Shri Kumaran, Ex. 24/W, states on oath that he joined the Bank in the year 1958 as Watchman. Shri Pai's evidence, Ex. 25/E also shows that Shri Kumaran's pay was revised on the basis that he was a Night Watchman and that Shri Kumaran's designation in Trichur Branch was Night Watchman. In the schedule of this reference Shri Kumaran has been described as a Night Watchman. There cannot be therefore any doubt that Shri Kumaran was appointed as Night Watchman in 1958 and was continuing to do so till he left the Bank in Ex. 2/E. I therefore hold that Shri Kumaran was working in the Bank Trichur Branch as a Night Watchman and not as caretaker.

51. The Bank contends in Ex. 2/E that the duties of Shri Kumaran were not those of a watchman, but his duties were to take care of the bank premises during the night by sleeping on its premises that he was given the custody one of the keys of the main door of the Bank premises, that he used to come and sleep in the premises after the Bank hours and after the office staff of the bank had left the office. In the morning Shri Kumaran used to leave the premises even earlier than the opening time of the Bank. He was not required to lend over charge to any other watchman or officer of the Bank as would normally be expected of a Watchman on duty. In support of this contention the Bank relies on the evidence of Shri Pai, Ex. 25/E.

52. Shri Pai, Ex. 25|E states on oath that Shri Kumaran was required to sleep on the Bank premises, from 10 P.M. to 6 P.M. on every working day. In his cross-examination he had to admit there is no specific order passed by the Trichur Branch or the Head office to the effect that Shri Kumaran's duty was to sleep in the Bank premises on working days from 10 P.M. to 6 A.M. He further admits that he is speaking about Shri Kumaran's duty on the basis of information given by the Agent to him. It means that he has no personal knowledge about the duties of Shri Kumaran. The Agent has not come in the witness box to speak about the duties of Shri Kumaran. Hence no weight can be attached to Shri Pai's evidence when he speaks about the duties of Shri Kumaran.

53. Shri Kumaran states on oath in his evidence, Ex. 24|W that his duty was from 6 P.M. to 7 A.M. every day including holidays and Sundays for keeping watch and taking rounds. He also states that he used to take rounds inside the Bank premises and that he was required to keep awake for the whole night as his duty was that of a Night Watchman.

54. The evidence given by Shri Kumaran is natural and consistent. I see no reason to disbelieve him. I am satisfied from his evidence that his duty was to keep watch for the whole night and not to sleep in the premises. In my opinion the Bank's contention that Shri Kumaran's duty was to sleep in the premises at night from 10 P.M. to 6 A.M. and not to carry out the duties of Night Watchman is highly improbable, and un-natural. It cannot be accepted even for a moment. The expression Night Watchman clearly signifies that the duty of a Night Watchman is to keep watch for the whole night and not to sleep in the premises. I, therefore, negative the contention of the Bank in this respect. I am satisfied that Shri Kumaran was a Night Watchman and that he was performing the duties of a Watchman.

55. It is clear from the admission of Shri Pai, Ex. 25|E, that staff numbers are awarded to the employees in the Bank and that for subordinate staff 'M' number is allotted. Shri Kumaran had been allotted 'M' 226 number. Hence it can be said that he belonged to subordinate staff.

56. On Shri Pai's admission in his cross-examination, it is clear that after Sastri Award was made applicable to the Bank employees, peons were given (i) weekly holidays, (ii) Eight national|Festival holidays in a calendar year, (iii) overtime allowance, (iv) free supply of uniforms and (v) washing allowance.

57. In the Banks, general classification of the staff consists of (i) officers, (ii) Clerks and (iii) Peons. Peons, Watchmen etc. would come in the same category. Naturally on the basis of Sastri Award, the (night) Watchman would be entitled to all the benefits as mentioned above.

58. The Bank also admits in its written statement, Ex. 2|E, that these benefits are given to its employee via. Watchman etc., under the Bank Award and settlements. Hence Shri Kumaran who was doing the duties of Night Watchman would also be entitled to all those benefits.

59. During the course of hearing, the Bank's witness Shri Pai, Ex. 25|E, says in his evidence that Shri Kumaran was required to sleep in the Bank premises from 10 P.M. to 6 A.M., on every working day. What he wants to say is that Shri Kumaran has been given all holidays, including national and festival holidays and that he was never required to work on holidays and overtime. This stand is inconsistent with the defence of the Bank in its written statement Ex. 2|E, para 8, to the effect that Shri Kumaran is not entitled to any weekly holidays or festival holidays as are given to the employees of the Bank. It, therefore, appears to me that the Bank's attempt to show that Shri Kumaran used to sleep in the Bank premises from 10 P.M. to 6 A.M. on every working day only, is an after-thought. It cannot be accepted even for a moment. The defence taken by the Bank that Shri Kumaran is not entitled to holidays or festival holidays shows that Shri Kumaran must not have been allowed holidays and that he must have been required to work as all holidays also.

60. The Bank contends in its written statement Ex. 2|E para 5 that Shri Kumaran was not signing attendance register in the presence of any of the officers of the Bank and that as the musters are kept in the premises of the Bank. Shri Kumaran has signed the musters on all the columns shown in the attendance muster against his name and even on non-existing days, Sundays and holidays.

61. The Bank has produced original musters for the years from January 1958 to March 1964. On the basis of the entries in these registers, the learned advocate for the Bank has pointed out that (i) Shri Kumaran has not marked attendance on holidays in the

Year	Month	Dates
1958	May	1, 11, 18, 25
	August	27
1959	January	1
	February	22
	June	21
	September	16
1960	January	1, 3, 10, 15, 17, 26
	October	19
1961	August	20
	October	17
1962	January	26
	March	4, 18
	April	15, 21
	May	13
1963	February	26
	December	29

and that (2) Shri Kumaran has marked attendance on non-existing dates

Year	Month	Dates
1958	November	31
	April	31
	June	31
	September	31
1959	February	29, 30, 31
	April	31
	June	31
	September	31
	November	31
1960	February	30, 31
	April	31
	June	31
	September	31
	November	31
1961	February	29, 30, 31
	April	31
	June	31
	September	31
	November	31
1962	February	29, 30, 31
	April	31
	June	31
	September	31
	November	31
1963	February	29, 30, 31
	April	31
	September	31
	November	31
1964	February	30, 31

The expression non-existing dates used by the learned advocate for the Bank means this. The month June in every year has got only 30 days, but in the muster roll Shri Kumaran has marked attendance in respect of this month in the years 1958, 1959, 1960 and 1961 on 31st also i.e. a non-existing date.

62. From these entries, the Bank wants to attribute sinister motive to Shri Kumaran, but in my opinion such motive cannot be attributed to him. A perusal of the muster rolls on record shows that every page in the register for each month contains 31 columns. As the muster roll used to remain on the counter, Shri

Kumaran in ordinary course, used to put his signature in each column every day without understanding to what particular date that column relates. It seems that through mistake and ignorance of English language, he must have put signatures in columns of non-existing dates in the months concerned. He was putting signatures in the muster roll in Malayalam. This shows that he was not knowing English. The columns in the register bear titles in English and not in Malayalam. This explains as to why there were signatures of Shri Kumaran in the columns of non-existing dates in the months concerned.

63. The learned advocate for the Bank contends that some signatures of Shri Kumaran in the muster roll are in different ink and that they must have been put later on, to support the case. The Bank says in its written statement Ex. 2/E that Shri Kumaran has signed the attendance register every day from 1st April, 1958 onwards as can be seen from the attendance register. Shri Kumaran states on oath in his evidence Ex. 24/W that he used to sign the muster roll before resuming duty and that the muster roll used to remain at the counter at night also. In view of this I do not think that any malafide intention can be attributed to Shri Kumaran, simply because some of his signatures in muster roll are in different ink.

64. It appears that Shri Kumaran has not marked attendance on holidays in the years, 1958 to 1963 as mentioned in para 61 of this judgment. The learned Advocate for the Bank contend that Shri Kumaran was not working on holidays and that the Bank's defence that he was working only on working days be accepted. This contention cannot be accepted.

65. It may be that Shri Kumaran might have remained absent from duty on these holidays and that on account of this he did not put any signatures. His evidence closely shows that he used to put his signature before resuming duty. It cannot be informed from the above that he has not put signature in the muster roll in respect of the above mentioned holidays, because he was not attending office on holidays. There are other entries regarding holidays which show that he had attended duty on holidays also.

66. The Bank has not produced the muster roll for the subsequent years. It cannot be therefore said as to what the position in respect of these muster rolls is.

67. The Bank has not specifically mentioned as to what the working hours of Shri Kumaran etc. It simply denies in its written statement Ex. 2/E para 9 that Shri Kumaran used to attend duty from 6 p.m. to 7 a.m. and that he was on duty for 13 hours every day. Considering the facts and circumstances of this case and having regard to the nature of duty of Shri Kumaran, I am convinced from the evidence of Shri Kumaran Ex. 24 W that his duty hours were from 6 p.m. to 7 a.m. every day and that there is no substance in the defence of the Bank regarding his duty hours. Hence my finding on Point No. (ii) is as above.

Point No. (iii):

68. The next point for consideration is from what date Shri Kumaran is entitled to the benefits in question.

69. The learned advocate for the Bank contends that if any relief is to be given to the workman, it should be from the date of award and that in this case granting relief from the date of award would be futile as the workman has retired since January, 1971. He, therefore, says that no relief is to be given on any account.

70. In the present reference, the Tribunal has been called upon to find out the date from which relief is to be given to the workman, if he is entitled to any relief. Hence the Bank's contention that the workman is not entitled to any relief prior to the date of award cannot be accepted.

71. (i) In 1955, I.L.J. page 352, in the case between Howrah Municipality and Second Industrial Tribunal, West Bengal, their Lordships of the Calcutta High Court have held as follows:—

"Under S.17A(4) of the Industrial Disputes Act, 1947 it is no doubt within the competence of the industrial tribunal to name the date which an award should come into operation and that date might be one prior to the date of reference itself. But nevertheless, it is a well accepted principle of industrial adjudication that overtime claims should not generally be encouraged or allowed unless there was satisfactory explanation for the delay."

The demand in this respect should be the demand made by the labour union on behalf of the industry and not an individual demand.

Where the demand for arrears of increment was for the first time made collectively in August 1957, the industrial tribunal could not direct the benefit of such arrears for the period prior to August, 1957 as it would amount to entertainments of a stale claim."

(ii) In 1961, II, LLJ, page 75, in the case between United Collieries Ltd. and its workmen, their Lordships of the Supreme Court have laid down as follows:—

"In the instant case the demand for implementation of the terms of the notification issued by the erstwhile Korea State Government was raised in February 1949 and was also made subject matter of conciliation proceedings between the parties. The reference for increased wages under C1(2) of the said notification was referred for adjudication in 1958. Such demand was formally made in writing much later. The demand for increased wages was found justified on merits by the Industrial tribunal. Regarding the date from which the benefit of the increased wages was to be given, it was held that in the circumstances of the case the concerned workman should be held entitled to the increase in some cases with effect from 1 November 1947 and in some other cases with effect from 1 March 1949 when the demand for implementation of the notification was raised."

(iii) In 1961, II, LLJ, page 89; in the case between Inder Singh and Sons Ltd. and their workmen, their Lordship of Supreme Court have laid down as follows:—

"The notification on which the workmen based their claims in the instant case was made by the erstwhile Korea State Government on 15th November, 1947. One of the clauses therein provided for retrospective operation of the order from 1st November, 1947.

The demand for extra wages for load under Clause (5) of the notification was not made prior to 10 October, 1954 and for extra wages for boring hoes before February 1953. The Industrial Tribunal having found the claims justified directed retrospective benefit of the extra wage in one case from 1 January, 1952 and in the other case from October, 1950.

The correctness of the said award was challenged in the instant appeal by special leave *inter alia* on grounds.

- (1) that the notification of the Korea State Government had no statutory force being only in the nature of an award binding on the parties in dispute;
- (2) that in any case statute operated only against the employers who were engaged in coal mining at the time of the notification and not against the employers who started coal mining long after the said date, and
- (3) that in any event no relief should be given before the date of demand.

Negating the first two contentions held that the notification was issued in the exercise of the legislative powers of the State. Further that law was made out for regulating the wages of the persons engaged in the coal mining industry on that date only but was intended to be a law for all time to come until abrogated or modified by later valid legislation.

Regarding the third contention held that it is true that laws of limitation which might bar any civil court for giving remedy in respect of lawful rights are not and should not be applied by the industrial tribunal. On the other hand it is a well accepted principle of industrial adjudication that over-stale claims should not generally be encouraged or allowed unless there is a satisfactory explanation for the delay. Apart from the obvious risk to industrial peace from the enforcement of claims after a long lapse of time, it is necessary also to take into account the unsettling effect this is likely to have on the employer's financial arrangements. Whether a claim has become stale or not will depend on the circumstances of each case. While there is no absolute proposition of law that in no case relief could be granted for a period prior to the demand, the industrial tribunal ought to pay particular attention to the date on which the demand was first made.

Taking into account the date of demand in the instant case alongwith the other circumstances, it was held fair to grant the reliefs with effect from January, 1953."

72. It is clear from the ruling reported in 1965, I.LLJ, page 382, referred to above that it is within the competence of the Industrial Tribunal to name date from which the Award should come into operation and that this date could be prior to the date of reference itself. Hence I am of the view that retrospective effect can be directed to be given to the Award by the Tribunal.

73. The next point for consideration is whether relief can be given to Shri Kumaran from the date prior to the date of his demand on the Bank or from the date of demand made on the bank. While considering this question, the principle laid down in 1961, I.LLJ, page 89, referred to above, has to be taken into consideration. This ruling clearly lays down that there is no absolute proposition of law that in no case relief could be granted for a period prior to the demand and that the Industrial Tribunal ought to pay particular attention to the date on which the demand was first made.

74. In the present case evidence on record clearly shows that the employee working in Trichur Branch were not organised and that the Union came into existence only in November, 1967. Shri Kumaran and the Branch Secretary Shri Ramakrishnan were not sure about the rights to which Shri Kumaran was entitled. This explains as to why no demands regarding benefits to which Shri Kumaran was entitled were made earlier.

75. The three employees raised a dispute on behalf of Shri Kumaran by Ex. 6/W on 14th May, 1969. Actual demand was made on the bank on 6th August, 1969, Ex. 8/W. If relief is granted to Shri Kumaran with effect from the date of his service i.e. 1st April, 1958 i.e. from the date prior to the date of his demand, it will have no unsettling effect on the bank's financial arrangements. The Bank has denied benefits only to Shri Kumaran though it is giving the same benefits to other watchman. The amount to which the employee would be entitled would not be so much as to affect the financial arrangements of the bank adversely. In my opinion having regard to the facts and circumstances of this case relief in respect of benefits regarding weekly holidays, 8 national/festival holidays in a calendar year and overtime wages for extra hours of work should be given with effect from the date on which he joined service.

76. As regards washing allowance Shri Kumaran was getting the same. He received the same till the end of February, 1962. Hence he will be entitled to get washing allowance with effect from 1st March, 1962. I also allow uniforms with effect from the same date.

77. As regards, shoes, he is entitled to get them from the year 1969 as mentioned in Ex. 8/W. Hence my finding on Point No. (iii) is as above.
Point No. (iv).

78. The next point is to what relief Shri Kumaran is entitled.

79. As the various benefits referred to above, to which Shri Kumaran is entitled can be computed in terms of money and as there is no material before me for computing the same in terms of money Shri Kumaran will have to approach the Labour Court concerned under Section 33C(2) of the Industrial Disputes Act, 1947 for getting these benefits computed in terms of money. Hence my finding on this point is as above.

Point No. (v).

80. In view of the above findings I pass the following order:

ORDER

- (i) It is hereby declared that the management of Canara Banking Corporation Limited, Mangalore is not justified in not extending the benefits of (i) Weekly holiday, (ii) Eight National/Festival Holidays in a calendar year, (iii) Overtime allowance, (iv) Free supply of uniforms and shoes and (v) Washing allowance to Shri Kumaran, Night Watchman in its Trichur Branch.
- (ii) It is hereby declared that Shri Kumaran is entitled to the benefits of weekly holiday, eight national/festival holidays in a calendar year and overtime allowance with effect from the date of his joining the service as Night Watchman in Trichur Branch.
- (iii) It is hereby declared that Shri Kumaran is entitled to benefits of getting shoes with effect from the year 1969 and benefits of free supply of uniform and washing allowance with effect from 1st March, 1962.

- (iv) Shri Kumaran is directed to get the benefits in question determined and computed in terms of money by making application to the Labour Court concerned under Section 33C(2)(i) of the Industrial Disputes Act, 1947.
- (v) Award is made accordingly.
- (vi) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,
Central Government Industrial Tribunal
No. 2, Bombay.
[No. 23/17/70/LRIII.]

New Delhi, the 29th March 1971

S.O. 1543/FWA/Sec. 14/Mines/Air Transport Services.—In exercise of the powers conferred by sub-section (3) of section 14 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2112, dated the 29th May, 1970.

In the said notification “against item III, in Column 8, after the words ‘the Union Territories of Manipur and Tripura’ the words ‘and Andaman and Nicobar Islands’ shall be added.”

[No. 19/1/69/Fac. I/LRIV(LRIII).]

(अ० और रोजगार विभाग)

नई दिल्ली, 29 मार्च, 1971

का० अ० 1544/प० ३८० ए०/मन० १४/खान/उद्योग विवहन सेवाये—
मजदूरी संधाय अधिनियम 1936 (1936 का 4) की धारा 24 के साथ पठित धारा 14 की धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार भारत सरकार के अम रोजगार और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2112 तारीख 29 मई 1970 में एसद्वारा निम्नलिखित संशोधन करती है।

“उक्त अधिसूचना में सत्रम्भ 3 में मद 3 के सामने शब्द ‘मणिपुर और मिपुरा’ और शब्द के ‘सघ राज्य क्षेत्र’ के बीच शब्द और ‘अण्डमान और नीकोबार द्वीप समूह’ अन्त स्थापित किए जाएंगे।”

[स० का० 19/1/69/कार० 1/एल आर 4/3]

New Delhi, the 1st April 1971

S.O. 1544.—Whereas the Central Government being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), (being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3618 dated the 19th October, 1970), the service in the uranium industry, to be a public utility service for the purpose of the said Act for a period of six months from the 20th October, 1970;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 20th April, 1971.

[No. F. S. 11025/9/71-L.R.I.]

नई दिल्ली, 1 अप्रैल, 1971

क्रमांक 1544.—यतः केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोकहित में ऐसा अधिकार था, श्रीशोधिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखण्ड (4) के परन्तुक के उपनियमों के अनुरूपण में एक अधिसूचना (भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) को अधिसूचना सं० का० 3618 तारीख 19 अक्टूबर, 1970) द्वारा प्रयोग में सेवा और उक्त अधिनियम के प्रयोजनों के लिए 20 अक्टूबर, 1970 से छः मास की कालावधि के लिए लोकउपयोगी सेवा घोषित किया था;

और यतः केन्द्रीय सरकार की राय कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब श्रीशोधिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखण्ड (4) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 20 अप्रैल, 1971 को छः मास की और कालावधि के लिए लोकउपयोगी सेवा घोषित करती है।

[सं० फा० ए० 11025/9/71-एल आर 1]

ORDERS

New Delhi, the 22nd February 1971

S.O. 1545.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matters specified in the Schedule hereto annexed,

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

"Whether the demand of the Punjab National Bank Workers Organisation that the date of birth of Shri R. L. Kapoor should be changed from the 20th September, 1915 to 11th May, 1918 is justified? If not, what should be the date of birth?"

[No. 23/61/70/LRIII.]

प्रादेश

नई दिल्ली, 22 फ़रवरी, 1971

क्रमांक 1545.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूचीमें विनिर्दिष्ट प्रियों के बारे में पंजाब नेशनल बैंक से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीशोधिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहती है;

अतः अब, श्रीशोधिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधरा (i) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-के अधीन गठित केन्द्रीय सरकार श्रीशोधिक अधिकरण, दिल्ली को न्यायनिर्णयन के लिए निर्देशित करती है।

अन्तसूची

“क्या पंजाब नेशनल बैंक वर्कर्स आर्गेनेशन की यह मांग कि श्री आर० एल० कपूर की जन्म की तारीख 20 सितम्बर, 1915 से परिवर्तित करके 11 मई, 1918 करदो जानी चाहिए, न्यायोचित है? यदि नहीं तो जन्म की तारीख क्या होनी चाहिए?

[सं० 23/61/70/एल० आर० 3]

New Delhi, the 16th March 1971

S.O. 1546.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Baroda and their workmen in respect of the matter specified in the Schedule hereto annexed.

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Thiru K. Seetharama Rao shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the management of Bank of Baroda at Madras should follow branch-wise or city-wise seniority for purposes of payment of special allowance to:

- (1) Head Peon.
- (2) Hundi Presentor/Bill Collector.
- (3) Duftry, and
- (4) Cash Peons.”

[No. 23/133/70/LR.III.]

नई दिल्ली, 16 मार्च, 1971

‘फ० अ० 15 ६.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अन्तसूची में विनिदिष्ट विषयों के बारे में बैंक आफ बड़ौदा से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

यतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7—क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री थिस के० सीथाराम राव होंगे जिनका मुख्यालय मद्रास होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अन्तसूची

निम्नलिखित को विशेष भत्ता देने के प्रयोजनों से मद्रास स्थित बैंक आफ बड़ौदा को ज्येष्ठ का अनुसरण शाखानासार करना चाहिए या नगरानुसार :

- (1) प्रधान अपरासी
- (2) हुण्डी प्रेजेन्टर बिल संग्राहक
- (3) दफ्तरी, और
- (4) नकदी अपरासी

[सं० 23/133/70/एल आर III]

S.O. 1547.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Canara Banking Corporation Limited and their workmen in respect of the matter specified in the Schedule hereto annexed.

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

“Whether the demand of Shri Ravi Kumar Mazumdar, Car Driver, Canara Banking Corporation Limited, Calcutta for absorption in the regular service of the Corporation is justified? If so, to what relief is he entitled?”

[No. L. 12012/8/71/LR.II.]

का० प्रा० 1547.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिदिष्ट विषयों के बारे में कनारा बैंकिंग कॉर्पोरेशन लिमिटेड से सम्बन्धित नियोजकों और उनके कर्मकारों के बीच एक आधिकारिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है ;

अतः, अब, आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (i) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आधिकारिक अधिकारण-कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या श्री रवि कुमार मजुमदार, कार चालक, कनारा बैंकिंग कॉर्पोरेशन लिमिटेड, कलकत्ता की कॉर्पोरेशन की नियमित सेवा में आमेलन की मांग न्यायोचित है? यदि हाँ, तो वह किस अनुतोष का हकदार है?”

[सं. एल. 12012/8/71-एल. प्रा० III]

New Delhi, the 27th March 1971

S.O. 1548.—Whereas the employers in relation to the Eagle Star Insurance Company Limited, Bombay and their workmen represented by the General Insurance Employees Union, Bombay, have jointly applied to the Central Government for reference of an Industrial dispute that exists between them to an Industrial Tribunal in respect of the demands of the workmen set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said General Insurance Employees Union, Bombay represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Bombay constituted under section 7A of the said Act.

SCHEDULE

“Whereas Eagle Star Insurance Company Limited, was justified in retrenching Shri A. A. Anjilla, Driver, with effect from the 31st January, 1969. If not, to what relief is he entitled?”

[No. L.17012/4/71-L.R.I.]

नई दिल्ली, 27 मार्च, 1971

का० आ० 1548.—यतः ईगल स्टार इंश्योरेंस कम्पनी लिमिटेड, मुम्बई से सम्बद्ध नियोजकों और उनके कर्मकारों ने, जिनका प्रतिनिधित्व जनरल इंश्योरेंस एम्पलायीज युनियन, मुम्बई करती है, संयुक्त रूप से केन्द्रीय सरकार को आवेदन दिया है कि वह उक्त आवेदन में उपर्युक्त और इससे उपायदृश अनुसूची में उद्घृत कर्मकारों की मांगों के बारे में उनके बीच विद्यमान औद्योगिक विवाद किसी औद्योगिक अधिकरण को निर्देशित कर दे;

और यतः केन्द्रीय सरकार का समाधान हो गया है कि उक्त जनरल इंश्योरेंस एम्पलायीज युनियन, मुम्बई कर्मकारों की अहुसंख्या का प्रतिनिधित्व करती है;

यतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त विवाद उक्त अधिनियम की धारा 7—क के अधीन गठित औद्योगिक अधिकरण सं० 2—मुम्बई को न्यायनिर्णयन के लिए निर्देशित करती हैं।

अनुसूची

क्या ईगल स्टार इंश्योरेंस कम्पनी लिमिटेड का श्री ए० ए० अंजिला, चालक, की 31 जनवरी, 1969 से छंटनी करना न्यायोचित था? यदि नहीं, तो वह किस अनुतोष का हकदार है?

[स० एल० 17012/4/71—एल० आर० 1]

S.O. 1549.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Beas Sutlej Link Project and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri P. P. R. Sawhney shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- (1) Revision of pay scales of work-charged employees.
- (2) Regularisation of the services of the work-charged employees.
- (3) Accident and retrenchment compensation to workmen drawing over Rs. 500 per month.
- (4) Gratuity Scheme.

[No. 4/86/70/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

का० आ० 1549.—यतः केन्द्रीय सरकार की राय है कि इससे उपायदृश अनुसूची में विनियोजित विषयों के बारे में ड्यास सतनज लिंक प्रोजेक्ट से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है;

अतः अब श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा⁽¹⁾ के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एवं द्वारा एक श्रौद्धोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री पी० पी० आर० सहानी होंगे जिनका मुख्यालय चण्डीगढ़ होगा और उक्त विवाद उक्त श्रौद्धोगिक अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है।

अनुसूची

- (1) कार्य प्रभारित कर्मचारियों के बतनमान का पुनरीक्षण।
- (2) कार्य प्रभारित कर्मचारियों की सेवाओं का नियमितीकरण।
- (3) 500/-रु० से अधिक प्रति मास पाने वाले कर्मचारियों को दुर्घटना और छठनी प्रति-कर।
- (4) उपदान स्कीम।

[सं० 4/86/70-एल० आर० III]

एस० एस० सहस्रनामन, अध्यक्ष सचिव।

(Department of Labour and Employment)

New Delhi, the 29th March 1971

S.O. 1550.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri J. N. Das, Arbitrator, in the industrial dispute between the management of Pyrites, Phosphates and Chemicals Limited, Post Office, Amjhore, District Shahabad (Bihar) and its workmen represented by Elected Representative of the workers of Pyrites, Phosphates and Chemicals Limited, Post Office Amjhore, District Shahabad (Bihar), which was received by the Central Government on the 25th March, 1971.

ARBITRATION AWARD UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947 GIVEN BY SHRI J. N. DAS, REGIONAL LABOUR COMMISSIONER (CENTRAL) DHANBAD & ARBITRATOR

BEFORE

J. N. Das, Regional Labour Commissioner (C) Dhanbad & Arbitrator.

PARTIES PRESENT:

On behalf of the management:—

- (1) Shri T. N. Jaggi, Chief Mining Engineer,
- (2) Shri I. Kumar, Dy. Chief Mining Engineer,
- (3) Shri S. S. Gill, Mines Manager (Mines), of Pyrites, Phosphate and Chemicals Limited, Amjhore.

On behalf of the workmen:—

- (1) Shri K. C. Das, President.
- (2) Shri J. Narayan, General Secretary.
- (3) Shri Md. Lukman, Vice-President.
- (4) Shri S. N. Pathak, Member.
- (5) Shri Ashok Acharya, Member.
- (6) Shri Ashok Kumar, Member.
- (7) Shri Shyam Murari Prasad, Member.

INDUSTRY: Non-Coal Mine

STATE: Bihar

REFERENCE No. B-2/2(213)/70

Dated, Dhanbad the 18th March 1971

Preliminary

By their agreement dated 14th December 1970 the management of M/s. Pyrites, Phosphate & Chemicals Limited (a Central Govt.'s Undertaking) P.O. Amjhore, District Shahabad (Bihar) and the Khan Mazdoor Millat Sangh, P.O. Amjhore, District Shahabad (Bihar) referred the following specific dispute to my arbitration under section 10A of the Industrial Disputes Act, 1947, the same was published vide S.O. 281 dated 4th January 1971 in the Gazette of India Part-II, Section 3 Sub-Section (ii) issued on 16th January, 1971.

Specific matter in dispute:—

"Whether the action of the management of Pyrites, Phosphates & Chemicals Limited, P.O. Amjhore, District Shahabad in laying off the daily rated workmen with effect from 4 p.m. of 14th November 1970 to 4 p.m. of 18th November 1970 as a result of strike by the monthly rated staff was justified If not, to what relief the affected workmen are entitled?"

2. A letter calling upon the parties to submit, in writing, the statement of their cases within 10 days was issued on 18th January 1971. In response to the above the management submitted their statement on 4th February 1971 and the Khan Mazdoor Millat Sangh submitted their statement on 1st February 1971. Thereupon, the hearing was fixed for 25th February 1971 at Amjhore and the parties were given due notice accordingly. The parties, however, sought adjournment because they had to appear at Ranchi in another arbitration case on 26th February 1971. The adjournment was allowed and the parties were finally heard on 4th March 1971 at Amjhore. Meanwhile, the parties jointly extended the period of giving award till 31st March 1971 in a letter separately addressed to endorsing a copy of the same to the Secretary to the Govt. of India, Ministry of Labour, Employment and Rehabilitation (Dept. of Labour & Employment) Shrama Shakti Bhavan, New Delhi quoting his file No. 10/75/70-LR.IV.

Hearing

3. During the hearing as well as in their written statements the parties have taken the following stands:—

Khan Mazdoor Millat Sangh's arguments:—

(a) That, during the strike called by the P.P.C. Staff Association from 14th November 1970 to 18th November 1970 over the suspension of Shri Darwaka Prasad-Mechanical Foreman, the management unjustifiably and without making any efforts to provide alternative jobs laid off about 1500 daily rated workmen without wages taking shelter behind the provisions of Section 25E(iii) of the Industrial Disputes Act, 1947.

(b) That, the fact that alternative jobs were in existence on 14th November 1970 is undeniable. This is proved by the fact that the management did offer alternative jobs to all the 1500 daily rated workmen from the forenoon of 18th November 1970 when the strike by the P.P.C. Staff Association was still in progress and no settlement was in sight.

(c) That, in similar circumstances the management offered alternative jobs to all the daily rated workmen during the period from 4th January 1971 to 10th January 1971 when another strike was called by the same P.P.C. Staff Association.

(d) That, there is the precedent that the management does not lay off the non-strikers in the establishment. They either give them alternative jobs or allow them pay without work is established by the fact that during the 55 days strike called by the daily rated workmen in June-July 1970 all the 350 monthly rated staff were not at all laid off and were paid wages for the period without any work.

(e) That, controverting the arguments of the management that during the 55 days strike in June-July 1970 by the daily rated workmen the strikers did not even allow the essential staff to work and as such the management had to fall back upon the monthly rated staff for arranging the safety of the Mine from inundation and roof collapse, the Khan Mazdoor Millat Sangh argued that during the strike of the P.P.C. Staff Association from 14th November 1970 to 18th November 1970, the management did not ask the Staff Association to release the essential monthly rated staff for maintenance and ensuring safety of the Mine.

(f) That, during the 55 days strike in June-July, 1970 called by the daily rated workmen about 120 mining staff only were required to ensure the safety of the Mine. Therefore, the rest of 230 monthly rated staff were idling during that period and yet they were paid the wages.

(g) That, the above show that the management's motive in laying off the daily rated workman from 1st Shift of 14th November 1970 to 1st Shift of 18th November 1970 was to bring pressure upon the daily rated workmen to prevail upon the P.P.C. Staff Association to call off the strike.

(h) That the management discriminated against the daily rated workmen.

(i) That, that the management's action in declaring lay off from 1st Shift of 14th November 1970 to 1st Shift of 18th November 1970 of 1500 daily rated workmen is malafide, unjustified and discriminatory.

The Khan Mazdoor Millat Sangh, therefore, demanded that all the laid off daily rated workmen should be paid full wages for the period from 1st Shift of 14th November 1970 to the 1st shift of 18th November 1970.

4. M/s. Pyrites, Phosphate & Chemicals Limited's arguments:—

(a) That, the management was neither willing nor had contemplated to declare lay off of daily rated workmen from the second shift of 14th November 1970. This was because the strike by the P.C.C. Staff Association from the 1st Shift of 14th November 1970 was lightening and without notice. Since the Pyrites Mining Industries have been declared Public Utility Service under Section 2(n) of the Industrial Disputes Act the strike by the Staff Association was illegal and the management made various attempts on 14th November 1970 to impress upon the Association to call off the said illegal strike. Hoping that the sober thinking would dawn upon the Association and the strike would soon be called off the management did not lay off the daily rated workmen from 1st shift of 14th November 1970. Later on, the position was made clear by the Staff Association that they would continue the strike indefinitely until their previous demands were fulfilled. The management was, therefore, forced by the circumstances to declare lay off under section 25E(iii) of the Industrial Disputes Act and laid off all the daily rated workmen. This shows the bonafide of the management.

(b) That, it was wrong to say that the alternative jobs were available on 14th November 1970. Again the suddenness of the strike by the Staff Association left no room for the management, in absence of the Managing Director who was away to Delhi, to think for or create alternative jobs.

(c) That, the bona fide of the management is further proved from the fact that as and when the alternative jobs could be made available on the arrival of the Managing Director from Delhi the lay off of the daily rated workmen was lifted from the second shift of 18th November 1970 even though, the strikes of the Staff Association was not called off by them but all the same, the settlement was in sight.

(d) That, the Managing Director returned from Delhi on 18th November, 1970 and informed of the additional take off of ore. Thereupon, the laid off persons were engaged on Ore beneficiation work. Such work was also available during the subsequent strike by the P.P.C. Staff Association from 4th January 1971 and the daily rated workmen were continued to be employed in such work even though their outturn was much below the minimum.

(e) That, the additional reason for offering the alternative job to the daily rated workmen from 4th January 1971 (during the strike by the Association) was that the management was fully prepared to face the strike because this time the P.P.C. Staff Association had given advance notice of strike.

(f) That, the question as to why during the June-July, 1970 strike by the daily rated workmen, the monthly rated staff were paid arose because of the fact that the daily rated striking workmen did not even allow the essential staff to work in the Mines. Since this period was rainy season there was chance of mishaps, such as inundation and roof collapse. The management had allowed the Mining Staff to look after the safety of the Mines and as the management were pleased with the work of the monthly paid staff they paid the wages to the staff in form of reward.

(g) That, in reply to the Sangh's question as to why 50 or odd staff were not asked to be released by the Association for looking into the safety of the Mines during the strike from 14th November 1970 to 18th November 1970, the management have stated that since the strike was started by the Supervisory Staff they

would not have listened to the managements request for releasing 50 essential mining staff. Therefore, there was no point in requesting the Association. Again, even if they had released a few Mining Staff the management could not have given work to all the affected daily rated workmen because these essential staff would have attended only to the safety work and would not have attended to the blasting work, etc.

(h) That, with regard to the matter of laying off of the monthly rated staff who worked outside the Mine during June-July, 1970 strike it was clarified by the management that the daily rated workmen working outside the Mine had also not been laid during the period from 14th November 1970 to 18th November 1970. These monthly rate-staff, i.e. those working outside the Mine were mostly office staff where work was not dislocated by the June July, 1970 strike of the daily rated workmen.

(i). That, in view of the foregoing the management's action in laying off the 1500 daily rated workmen, who were required to work inside the Mines, from 2nd shift of 14th November, 1970 to the 1st shift of 18th November, 1970 under Section 25E(iii) of the Industrial Disputes Act, was legal and justified. The workmen, therefore, are not entitled to any relief.

Decision

5. After examining the aforesaid arguments of the parties the following facts emerge:—

(i) There was a spontaneous strike by the monthly rated staff at the instance of P.P.C. Staff Association, whose number is about 350, from 14th November 1970 to 18th November 1970 and this strike was without notice.

(ii) The daily rated workmen who offered for duties at 8-00 a.m. on 14th November 1970 were allowed to work.

(iii) That, the daily rated workmen numbering about 1500 and who were working inside the Mines were laid off without wages under Section 25E(iii) of the Industrial Disputes Act, 1947 from the second shift, i.e., from 4-00 p.m. of 14th November 1970.

(iv) The lay off was lifted from the second shift of 18th November 1970 when the daily rated workmen were given alternative jobs.

(v) The strike by the P.P.C. Staff Association was called off from the 1st shift of 19th November 1970.

(vi) During the 55 days strike called by the daily rated workmen in June-July, 1970 no monthly paid staff was laid off.

(vii) Again during the subsequent strike by the P.P.C. Staff Association from 4th January 1971 to 10th January 1971 no daily rated workmen was laid off.

6. It is, therefore, crystal clear that during the 55 days strike called by the daily rated workmen none of the monthly rated staff was laid off. Similarly, during the strike by the monthly rated staff from 4th January 1971 to 10th January 1971, no daily rated workmen was laid off. It was only during the strike from 14th November 1970 to 18th November 1970 called by the P.P.C. Staff Association that the daily rated workmen were laid off without wages and the lay off lasted from the second shift of 14th November 1970 to the 1st shift of 18th November, 1970. It is also a fact that the management offered alternative job to all the laid off daily rated workmen from the second shift of 18th November 1970 by withdrawing the 4 days' old lay off order even though the strike had not been called off by the Association. It is to be remembered that the strike which started from 8-00 a.m. of 14th November 1970 came to be called off from 8-00 a.m. of 19th November 1970 when the Staff resumed the work.

7. It is, thus, evident that the management did not lay off the daily rated workmen when the monthly rated workmen were on strike from 4th January 1971 to 10th January 1971 and similarly the monthly rated workmen were not laid off during the 55 days strike in June-July, 1970 called by the daily rated workmen. The only departure from this practice is evident during the period from 14th November 1970 to 18th November 1970 when the monthly rated workmen were on strike and the daily rated workmen were laid off without wages. The arguments adduced by the management is that the strike by the P.P.C. Staff Association in November, 1970 was spontaneous and that the management was hoping that this being illegal strike (being without notice and Pyrites Mining Industry being a Public Utility Service) would soon be called off. Again, as the Managing Director was away to Delhi the question of offering alternative jobs could not be decided. These arguments do not seem to be forceful. The fact

that the lay off was lifted from the second shift of 18th November 1970 and the laid off workmen were given alternative jobs in beneficition of Ores goes to show that this job was already available with the management. However, to cover it up the management have argued that the ore beneficition work started after the Managing Director had arrived from Delhi and given information of the off take of Ores. The indication is that it was the Managing Director who gave green signal to the Chief Mining Engineer to offer alternative job to the 1500 laid off daily rated workmen. This argument is not acceptable in view of the fact that the work was there even before 14th November 1970 and did not suddenly present itself on the arrival of the Managing Director. The nature of this work is the separation of Ores from Shales. The Ores were there on 14th November 1970 and so the Shales and if there was any difficulty in starting this work the Chief Mining Engineer could have surely contacted the Managing Director at Delhi on telephone and obtained his permission, if necessary. This does not appear to have been done and all the 1500 daily rated workmen were laid off without wages. This was, perhaps the easiest thing the management could do. One can understand the lay off with wages, that is, with 50 per cent wages as provided under Section 25C of the Industrial Disputes Act, 1947, but the lay off without wages is just a type of pressure which the local management appears to have hit upon. It appears to me that there was a counter pressure from the laid off workmen on the management and the management gave in and offered them alternative job from the second shift of 18th November 1970 when the strike was still in progress.

8. It is undeniable fact that the management did not lay off 350 monthly rated workmen even for a single day with or without wages during the 55 days strike called by the daily rated workmen in June-July, 1970. Of the 350 monthly rated staff there are about 120 Mining Staff whose employment in the Mine during the strike period was, perhaps, necessary for ensuring the safety of the Mines. However, the rest of the 230 staff had little work and since majority of them were office staff could not have been offered alternative jobs. Again, in absence of any raising in the Mine the office staff could have almost no work to do except those of routine nature and for such routine nature jobs not all the 230 staff were required.

9. In these circumstances, the conclusion is inescapable that the majority of the non-striking monthly rated staff were idling during the 55 days June-July, 1970 strike and got reward in shape of their payment of wages for no work. The argument of the management is that since they were pleased with the work of the staff during the June-July, 1970 strike they were paid their wages as a reward. But this does not help the management's case.

10. In view of the above analysis I cannot help concluding that the management's action in laying off 1500 daily rated workmen without wages from the second shift of 14th November 1970 to the first shift of 18th November 1970 is discrimination and, therefore, unjustified.

11. As I have already stated earlier, the alternative job which was offered to the daily rated workmen from the second shift of 18th November 1970 did not present itself suddenly on the arrival of the Managing Director but was actually in existence even before 14th November 1970. Therefore, the management would have surely given alternative job to the daily rated workmen on 14th November 1970 itself and continued it till the strike by the P.P.C. Staff Association came to be called off from the 1st shift of 19th November 1970. I have also stated that since the strike by the Staff Association was without notice and spontaneous and sudden, lay off to the daily rated workmen with wages is understandable. But the same without wages is not appreciated.

12. I, therefore, decide that the lay off declared by the management of M/s. Pyrites, Phosphates and Chemicals Limited, Amjhore without wages from the second shift of 14th November 1970 in respect of 1500 daily rated workmen and continuing the same till the first shift of 18th November 1970 is unjustified.

13. I, further, decide that the aforesaid laid off workmen are entitled to be paid 50 per cent of their wages as provided under Section 25C of the Industrial Disputes Act.

This is the Award I give

(Sd.) J. N. DAS,
Regional Labour Commissioner (C)
Dhanbad & Arbitrator.

[No. 10/75/70-LR-IV.]

ORDERS

New Delhi, the 4th February 1971

S.O. 1551.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kunustoria Colliery, Messrs Bengal Coal Company Limited, Post Office Topsi, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed.

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Kunustoria Colliery of Messrs Bengal Coal Company Limited, Post Office Topsi, District Burdwan in discharging from service Shri L. B. Mukherjee, Electrician with effect from 21st August, 1968 was justified? If not to what relief is the workman concerned entitled?"

[No. 6/61/70-LR.II.]

(अमंशुर रोजगार विभाग)

आदेश

नई दिल्ली, 4 फरवरी 1971

का० आ० 1551.—यतः केन्द्रीय सरकार की राय है कि इससे उपाधिक्षम अन्नसूची में विनिर्दिष्ट विषयों के बारे में सर्व बंगाल कोल कम्पनी लिमिटेड, डाकघर तोपसी, जिला बर्द्वान की कुनस्टोरिया कोलियारी के प्रबन्धतंत्र से सम्बद्ध नियोजनी और उनके कर्मकारों के बीचएक श्रीदोगिक विवाद विद्यमान है;

ओर यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः अब, श्रीदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार श्रीदोगिक अधिकरण कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अन्नसूची

“क्या सर्व बंगाल कोल कम्पनी लिमिटेड, डाकघर तोपसी, जिला बर्द्वान की कुनस्टोरिया कोलियारी के प्रबन्धतंत्र की श्री एल०बी० मुखर्जी, विद्युततंत्री को 21 अगस्त, 1968 से सेवामृक्त करने की कारवाही न्यायोचित थी? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुतोष का हकदार है?”

[सं० 6/61/70-एल० आर०-2]

New Delhi, the 6th February 1971

S.O. 1552.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhanora Colliery of Messrs Equitable Coal Company Limited, Post Office Nandi, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Bhanora Colliery of Messrs Equitable Coal Company Limited, Post Office Nandi, District Burdwan was justified in dismissing Shri Jata Mahato, Night Watchman from the 16th June, 1970? If not, to what relief is the workman entitled?"

[No. 6/67/70-LRII.]

नई दिल्ली, 6 फरवरी, 1971

का०आ० 1552.—यतः केन्द्रीय सरकार की राय है कि इससे उपबद्ध अनुसूची में विनियोगित विषयों के बारे में मैसर्स इक्विटेल कॉल कम्पनी लिमिटेड, डाकघर नन्दी, जिला बर्दिवान की भनोरा कॉलियारी के प्रबन्धतान्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मैसर्स इक्विटेल कॉल कम्पनी लिमिटेड, डाकघर नन्दी, जिला बर्दिवान की भनोरा कॉलियारी के प्रबन्धतान्त्र का श्री जाटा महतो, रात्नि-चौकीदार को 16 जून, 1970 से पदच्युत करना न्यायोनित था? यदि नहीं, तो कर्मकार किस अनुत्तोष का हकदार है?

[सं० 6/67/70-एल०आर०-2]

New Delhi, the 26th February 1971

S.O. 1553.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kottadih Colliery, Post Office Pandayeshwar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Kottadih Colliery, Post Office Pandayeshwar, District Burdwan are justified in placing Sarvashri Abdul Gani and Ramchandra, Pump Khalasis in Category II under the recommendation of Central Wage Board for Coal Mining Industry? If not, what should be their category and from what date the category should be given?"

[No. L-1912/13/71-LRII.]

नई दिल्ली, 26 फरवरी, 1971

का० आ० 1553.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में कोटटाडीह कोलियरी, डाकघर पांडेवेश्वर, जिला बर्दवान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या जोट्टाडीह कोलियरी, डाकघर पांडेवेश्वर, जिला बर्दवान के प्रबन्धतन्त्र का सभी श्री अब्दुल गनी और रामचन्द्र, पम्प खलासियों को कांपला खनन उद्योग के लिए केन्द्रीय मजदूरी बोर्ड की सिफारिशों के अनसार प्रवर्ग 2 में रखना न्यायोचित है? मर्दि नहीं, तो उनका प्रवर्ग क्या होना चाहिए और वह प्रवर्ग किस तारीख से दिया जाना चाहिए?”

[सं० एल० 1912/13/71-एल० आर०३]

New Delhi, the 11th March 1971

S.O. 1554.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Goenka Kajora Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Goenka Kajora Colliery, Post Office Ukhra, District Burdwan are justified in not providing employment to Shri Ajodhya Singh, Coal Cutting Machine Mazdoor with effect from the 23rd October, 1970? If not, to what relief the workman is entitled?”

[No. L/1912/17/71-LRII.]

KARNAIL SINGH. Under Secy.

नई दिल्ली, 11 मार्च, 1971

का० आ० 1554.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में गर्वनका कजोरा कोलियरी, डाकघर उड़रा, जिला बर्दवान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, अब, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदस्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7 के अधीन गठित केन्द्रीय सरकार श्रौद्धोगिक अधिकरण कलकत्ता को न्यायान्तर्जन के लिए निर्देशित करती है।

अनुसूची

“क्या गयनका कजौरा कोलियरी, डाकघर उड्डरा, जिला बर्द्दवान के प्रबन्धतन्त्र का श्री अंजीष्या सिंह, कोल कटिंग मशीन मजदूर को 23 अक्टूबर, 1970 से रोजगार न देना न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?

[सं० एल० 1912/17/71-एल० आर०-2]

करनेल सिंह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 1st April 1971

S.O. 1555.—Whereas Shri B.G.M.A. Narasinga Rao, who was appointed as a member of the Visakhapatnam Dock Labour Board by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3582, dated the 28th September, 1968, has resigned his membership by a letter under his hand addressed to the Chairman;

And whereas a vacancy has occurred in the said Dock Labour Board;

Now, therefore, in pursuance of the provisions contained in rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby notifies the said vacancy.

[No. 56/2/69-Fac.II/P&D.]

AJIT CHANDRA, Under Secy,

(श्री अंजीष्या रोजगार विभाग)

नं० दि ल० 1 अप्रैल, 1971

का० आ० 1555.—यतः श्री बी० जी० एम० ए० नरसिंह राव ने, जिसे भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 3582 तारीख 28 सिंग्हर, 1968 द्वारा विशाखापटनम् डॉक श्रम बोर्ड का सदस्य नियुक्त किया गया था, अध्यक्ष को संबोधित अपने हस्ताक्षर से पत्र द्वारा अपनी सदस्यता से त्यागपत्र दे दिया है;

ओर यतः उक्त डॉक श्रम बोर्ड में एक रिक्ति हो गई है;

अतः, अब, डॉक कर्मकार (नियोजन का विनियम) नियम, 1962 के नियम 4 के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्वारा उक्त रिक्ति अधिसूचित करती है।

[सं० 56/2/69-फैक 2/पी० एंड डी०]

अजीत चन्द्र, अवर सचिव।

(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)

New Delhi, the 10th August, 1970

S.O. 1556.—In exercise of the powers conferred on the Chief Settlement Commissioner by Section 34(2) of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), he hereby delegates to the Deputy Secretary in the Rehabilitation Department of the Punjab State exercising the powers of Settlement Commissioner, his powers under Sections 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these Sections in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the compensation pool.

[No. 3(2)LR/69.]

RAJNI KANT,
Chief Settlement Commissioner.

(पुनर्वास विभाग)

(मुख्य बन्दोबस्त आयुक्त का कार्यालय)

नई दिल्ली, अगस्त, 1970

फॉ. आ० 1556.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम 1954 (1954 का 44) क. ध रा 34 (2) द्वारा मुख्य बन्दोबस्त आयुक्त जो प्रदत्त शक्तियों का प्रयोग करते हुए ये इसके द्वारा पंजाब सरकार के पुनर्वास विभाग में बन्दोबस्त आयुक्त की शक्तियों का प्रयोग करने वाले उप सचिव को मुआवजा पूल की किसी भी ग्रामीण क्षेत्र में कृषि भूमि तथा दुकानों के सम्बन्ध में, जिनमें पशुशालाएँ तथा खाली स्थल भी शामिल हैं, उक्त अधिनियम की 23, 24 तथा 28 धाराओं के अधीन उपयुक्त आदेश देने के लिए उक्त धाराओं के अन्तर्गत अपनी शक्तियां प्रदान करते हैं।

[सं. 3(2) एल० आर० 69]

रजनी कांत
मुख्य बन्दोबस्त आयुक्त]

(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)

New Delhi, the 10th August, 1970

S.O. 1557.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the Deputy Secretary in the Rehabilitation Department of Government of Punjab, as Settlement Commissioner, for the purpose of performing, in addition to his own duties as Deputy Secretary, Rehabilitation Department Government of Punjab, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the compensation pool.

[No. 3(2)L&R/69.]

(पुनर्वास विभाग)
 (मुख्य बन्दोबस्त आयुक्त का कार्यालय)

नई दिल्ली, 10 अगस्त, 1970

फॉ. आ० 1557.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय

सरकार पंजाब सरकार के पुनर्वास विभाग में उप सचिव को पंजाब सरकार के पुनर्वास विभाग में उप सचिव के अपने कार्यों के अतिरिक्त उक्त अधिनियम द्वारा या उसके अन्तर्गत मुआवजा पूल को किसी भी आधीरण थेहर में कृषि भूमि तथा दूकानों के सम्बन्ध में, जिनमें मकान, पशुशालाएं तथा खाली स्थल भी शामिल हैं, बन्दोबस्त आयुक्त हो सौंपे गए कार्यों को करने के लिए बन्दोबस्त आयुक्त के रूप में नियुक्त करती है।

[सं० 3(2) एल० एण्ड आर०/69]

New Delhi, the 23rd February 1971

S.O. 1558.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Adminvacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the States of Punjab, Haryana, Bihar, U.P., M. P., Orissa, Rajasthan and Himachal Pradesh, Shri S. N. Bahl, Assistant Settlement Commissioner in the office of the Regional Settlement Commissioner (Central), New Delhi, as Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with immediate effect.

[No. 5(4)/AGZ-66.]
JANKI NATH,

Settlement Commissioner (C) & Ex-officio Under Secy.

नई दिल्ली, 23 फरवरी, 1971

क्र० का० 1558.—निष्क्रान्त सम्पत्ति प्रशासन अधिनियम 1950 (1950 के XXXI) के भाग 6 के उपभाग (1) की प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार प्रादेशिक बन्दोबस्त आयुक्त कार्यालय (केन्द्रीय) नई दिल्ली के सहायक बन्दोबस्त आयुक्त श्री एस० एन० वहूल को पंजाब, हरियाणा, बिहार, उत्तर प्रदेश, मध्य प्रदेश, उड़ीसा, राजस्थान तथा हिमाचल प्रदेश के लिये तत्काल ही उपनिष्क्रान्त सम्पत्ति अभिरक्षक नियुक्त किया है ताकि वे उप कर्तव्यों का पालन कर सकें जो उक्त अधिनियम में अभिरक्षक के पद के लिये निर्धारित किये गये हैं।

[सं० 5(4)/ए० जी० जैड०-66]

जानकी नाथ,

बन्दोबस्त आयुक्त (सं.) तथा प्रदेश अवार सचिव।